LAW No. 5395

THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF COSTA RICA

Decrees

The next:

GENERAL LAW OF HEALTH

General disposition

Article 1: The health of the population is an asset of public interest protected by the State.

Article 2: It is an essential function of the State to ensure the health of the population. It corresponds to the Executive Branch, through the Ministry of Health, to which shall abbreviate this law as Ministry", the definition of the national health policy, regulation, planning and coordination of all public and private activities related to health, as well as the execution of those activities that correspond to it according to the law. will have powers to issue autonomous regulations on these matters.

Article 3: Every inhabitant has the right to health benefits, in the form that the laws and special regulations determine and the duty to provide for the conservation of their health and to contribute to the maintenance of that of their family and that of the community.

Article 4: Every person, natural or legal, is subject to the mandates of this law, its regulations and the general and particular orders, ordinary and emergency, that the health authorities dictate in the exercise of their duties. organic competencies and has the right to be duly informed by the competent official on the mandatory regulations in force in matters of Health.

Article 5: Every person, natural or legal, is obliged to provide accurate and timely manner the data that the competent health official request for the purposes of the preparation, analysis and dissemination of statistics vital and health and other special administration studies, for the evaluation of health resources and other special studies that are necessary for the timely knowledge of health problems and for the formulation of appropriate solution measures.

Article 6: Every inhabitant of the country who is not justly impeded, has the obligation to attend the call of the health authorities to declare in any matter related to public health. Also, you must give them assistance when required by the competent authority.

Article 7: This and other laws, regulations and provisions administrative actions related to health are of public order and in case of conflict prevail over any other provisions of equal formal validity, without detriment of the attributions that the law confers to the autonomous institutions of the health sector.

The provisions of international conventions and treaties are excepted.

Article 8: The technical terms used in this law and in any other health provisions, will be understood in the sense that they usually have according to the sciences and disciplines to which they belong, unless defined expressly, in a special way in the law or regulations.

In case of doubt, it will be administratively determined by the Ministry or the competent body, as the case may be.

BOOK I.

OF THE RIGHTS AND DUTIES OF INDIVIDUALS CONCERNING THE YOUR PERSONAL HEALTH AND ANY RESTRICTIONS THAT REMAIN SUBJECT TO ALL PERSONS IN CONSIDERATION OF THE HEALTH OF THIRD PARTIES AND THE CONSERVATION AND IMPROVEMENT OF THE ENVIRONMENT ENVIRONMENT

TITLE I

RIGHTS AND DUTIES CONCERNING PERSONAL HEALTH

Article 9: Every person must ensure the improvement, conservation and recovery of their personal health and the health of the members of their household, avoiding harmful actions and omissions and complying with the instructions techniques and mandatory standards issued by the competent authorities.

CHAPTER I
OF THE RIGHTS AND DUTIES RELATED TO THE PROMOTION AND CONSERVATION PERSONAL AND FAMILY HEALTH

Article 10: Every person has the right to obtain from officials
appropriate information and proper instructions on matters,
actions and practices conducive to the promotion and conservation of their health
personal and that of the members of your household, particularly, on hygiene,
adequate diet, psychological orientation, mental hygiene, sexual education,
communicable diseases, family planning, early diagnosis of
diseases and practices and the use of special technical elements.

Article 11: Every person and in particular those who are going to get married,
may request from the competent health services, and promptly obtain, the health
certificates in which it is accredited, through the examinations that are
necessary, who does not suffer from a communicable or chronic disease or conditions
that may endanger the health of third parties or the
offspring.

Article 12: Every pregnant mother has the right to information services
delivery _ child, to medical control during pregnancy; to medical care
and to receive food to complete their diet, or that of the child, during the
lactation period.

Article 13: Children have the right to have their parents and the State take care of their health and their social, physical and psychological development.

Therefore, they will be entitled to state health benefits from their
birth to adulthood.

Children with physical, sensory, intellectual and
emotional, will enjoy specialized services.
(As amended by Law No. 7600 of May 2, 1996, published in La Gaceta No. 102 of May 29, 1996).

Article 14: It is the obligation of the parents to comply with the instructions and medical controls that are imposed on them to ensure the health of the minors in their charge and they will be responsible for the use of the food they receive as supplements.
nutrients from your diet.

Article 15: It is forbidden for any person to trade with food that
delivered by state or private institutions as dietary supplements.

Article 16: Every student must undergo medical and dental examinations
and participate in health and nutrition education programs
that public educational establishments must offer
and private.

Article 17: Every person has the right to preventive health examinations and services for the early diagnosis of chronic diseases, in particular In any case, submit to them when the health authority so decides.

Article 18: It is the obligation of every person to diligently avoid accidents personal and those of the people in charge, and must, for such purposes, comply with the security provisions, special or general, dictated by the competent authorities and adhere to the indications contained in the labels or to the instructions that accompany the risky or dangerous agent, regarding its preservation, use, storage and contraindications.

Article 19: Every person has the right to request from health services, information and means to prevent or avoid the effects of personal dependence, or of the people in their care, of drugs or other substances, and must follow the special technical measures that the health authority indicates to such effects.

CHAPTER II
OF THE RIGHTS AND DUTIES RELATED TO THE PERSONAL HEALTH RECOVERY

Article 20: People must provide for the restoration of their health and that of the dependents of their family nucleus and have the right to resort to state health services; for this they will contribute financially, in the form established by relevant laws and regulations.
(As amended by Law No. 7600 of May 2, 1996, published in La Gazette No. 102 of May 29, 1996).

Article 21: You may also in accordance with legal and regulatory provisions receive medicines, food for therapeutic use, items for medical use and other means that are essential for the treatment of his illness and for your personal rehabilitation or for the people you depend on.

Article 22: No person may be subjected to medical treatment or surgery involving serious risk to their physical integrity, health or life, without your prior consent or that of the person called to give it legally if you are prevented from doing so. Interventions are exempt from this requirement. of urgency.

Article 23: Transplants of vital organs may only be carried out in health care establishments that have been specially authorized by the Ministry for such purposes, after verifying that they have specialized professional elements, adequate facilities and equipment, must also comply with the relevant regulatory requirements.

Article 24: No person may be subject to therapeutic treatment by a person not legally authorized to do so. Likewise, the exercise of any practice of hypnotism that has as its objective the treatment of diseases of any order to those who do not have the corresponding legal authorization, granted by the College of Physicians and Surgeons of the Republic, is prohibited.

Article 25: No person may be subjected to experimentation for the application of medications or techniques without being duly informed of their experimental condition, of the risks they run and without their prior consent, or that of the person legally called to give it. if it corresponds or is impeded to do so.

Article 26: In no case will any therapeutic or scientific clinical research dangerous to the health of human beings be allowed.

Article 27: Parents, custodians and legal representatives of minors and incapacitated persons may not deny their consent to submit their clients to practices or treatments whose omission implies imminent danger to their life or definitive impediment, according to the opinion of two doctors.

Article 28: Except with a medical prescription and for therapeutic purposes or with the express authorization of the Ministry, the personal use of narcotic substances and tranquilizers, stimulants and hallucinogens, declared of restricted use in international conventions, in laws or in provisions dictated by the Ministry, is prohibited. Executive power.

Article 29: People with severe emotional disorders as well as people dependent on the use of drugs or other substances, including alcoholics, may voluntarily undergo specialized outpatient treatment or hospitalization in health services and must do so when ordered by the authority. authority, considering it necessary, according to the requirements determined by the pertinent regulations.

(As amended by Law No. 7600 of May 2, 1996, published in La Gaceta No. 102 of May 29, 1996).

Article 30: When the hospitalization of people with severe emotional disorders or deficiencies, drug addicts and alcoholics, is not voluntary or judicial, it must be communicated by the director of the establishment to the Family Court of its jurisdiction, immediately and must comply with the obligations and conservatorship requirements.
(As amended by Law No. 7600 of May 2, 1996, published in La Gaceta No. 102 of May 29, 1996).

Article 31: People with severe emotional disorders, drug addicts and alcoholics who are not hospitalized by court order, may leave the establishment in accordance with the provisions pertinent regulations, for medical discharge or for discharge required at the request of the patient or their relatives, when their departure does not involve danger to the health or life of the patient or third parties.
(As amended by Law No. 7600 of May 2, 1996, published in La Gazette No. 102 of May 29, 1996).

Article 32: It is prohibited to keep people with emotional disorders severe and drug addicts in public or private establishments that are not authorized for this purpose by the Ministry.
(As amended by Law No. 7600 of May 2, 1996, published in La Gazette No. 102 of May 29, 1996).

Article 33: The relatives of the person with severe emotional disorders or with intellectual, physical and sensory disabilities or relatives of the drug addict undergoing treatment, may require medical-social care from the health services, subject to the regulations for the members of the household of the patient.
(As amended by Law No. 7600 of May 2, 1996, published in La Gazette No. 102 of May 29, 1996).

Article 34: People are prohibited from dealing with medicines and other goods that the institutions deliver.
(As amended by Law No. 7600 of May 2, 1996, published in La Gazette No. 102 of May 29, 1996).

Article 35: Trade in body organs or tissues is prohibited that could endanger the health or life of people.

Transfers to any title of organs and tissues of the human body may only be be carried out in strict compliance with the regulatory provisions pertinent.

Article 36: It is prohibited to proceed with the burial or cremation of human corpses without prior death certificate issued in the formulas official and in accordance with the relevant regulatory provisions.

TITLE II
OF THE DUTIES AND RESTRICTIONS TO WHICH THE PEOPLE IN CONSIDERATION OF THE HEALTH OF THIRD PARTIES

CHAPTER I
PRELIMINARY PROVISIONS

Article 37: No person may act or assist in acts that mean danger, impairment or damage to the health of third parties or the population and must avoid any omission in taking measures or precautions in favor of the health of third parties.

Article 38: Natural or legal persons engaged in activities directly related to the health of individuals or that may influence it or affect it, either by the nature of the product of such activities, its destination or use, or the process or system to obtain it, supply it or to eliminate their waste, as appropriate, they must condition such activities to the provisions of this law, its regulations or general rules and that the health authority dictates in order to protect the health of the population.

Article 39: The owner and person in charge of movable or immovable property must avoid the inconvenience and damage that may arise, for the health of third parties, from the poor quality or poor state of conservation or hygiene of such goods.

In the same way, the owner and the person in charge of animals must avoid inconvenience or damage that may affect the health of others as a result of the health status or lack of control of these animals.

In both cases, such owners and managers must take measures that the health authority orders within the period established for this purpose, without prejudice to the measures that the authority may take depending on the danger or seriousness of the case.

CHAPTER II
OF THE DUTIES OF PERSONS ACTING IN MATTERS DIRECTLY LINKED TO PEOPLE'S HEALTH AND OF THE RESTRICTIONS THAT REMAIN SUBJECT IN THE EXERCISE OF SUCH ACTIVITIES

SECTION I
OF THE DUTIES AND RESTRICTIONS IN THE EXERCISE OF THE PROFESSIONS AND TRADES IN HEALTH SCIENCES

Article 40: The following are considered professions in Health Sciences: Pharmacy, Medicine, Clinical Chemical Microbiology, Dentistry, Veterinary and Nursing.

Without prejudice to the requirements that special laws and professional associations or associations make of their members regarding the requirements to practice these professions or any other or trades related primarily, incidentally or auxiliary to the health of people and on the honorable manner and diligent in that they must exercise them, limiting themselves to the technical area that the legally conferred title or the pertinent authorization assigns them, such professionals are understood to be obligated collaborators of the health authorities, particularly in those periods in which emergency circumstances or danger to health of the population, require extraordinary measures issued by that authority.

Article 41: In any case, the professionals referred to in the previous article must collaborate, within their area of action, in the campaigns and programs of the Ministry, complying with and enforcing the measures established by the authority and denouncing any fact or practice that threatens public health.

Article 42: Every doctor, in the event of an epidemic, emergency or national disaster, until the health authority intervenes, will be invested with sufficient authority to take the first measures and require the obligatory collaboration of the local authorities to enforce them.

Article 43: Only persons who have the title or license that qualifies them for that exercise and who are duly incorporated into the corresponding association or registered with the Ministry may exercise the professions referred to in article 40, if that has not been constituted for that purpose. your profession.

Article 44: Persons who are carrying out, in accordance with the regulations, the compulsory medical service and the compulsory services established for other professions in common agreement with the respective associations, the University and the Ministry as well as those who are exempt from the above prohibition. prerequisite for qualification in the exercise of any of the professions in health sciences.

Article 45: It is understood that a person illegally exercises a profession or trade in health sciences when provided with a title or certificate that legally qualifies him for its exercise, exceeds the powers that the corresponding professional association or the Ministry, as appropriate, have established. for that exercise.

Article 46: Professionals duly specialized and registered as such respective associations, may carry out activities of their specialty.
in their

Article 47: It is presumed the right that a person illegally practices the professions referred to in article 40 when, without being incorporated into the respective association or lacking a license, as the case may be, they have in their possession instruments, equipment or material required for the exercise. of the aforementioned professions, unless it proves with the corresponding patents or valid permits, that it is dedicated to the legal trade of such goods.

It is also presumed by law that a person illegally practices the aforementioned professions when, lacking the corresponding title, they advertise or ostensibly pass themselves off as a professional in health sciences.

Article 48: The professionals in Health Sciences, referred to in article 40, may only delegate, or associate to delegate, some of their functions to duly trained people, which they will do in any case under their responsibility, and in accordance with the regulations of this law and that of the respective school.

Article 49: It is prohibited for any professional, merchant or distributor to supply or sell devices, equipment, instruments or substances or materials that are exclusively used for the exercise of the professions referred to in this section, or that are included in the restrictive lists of the Ministry, to people not legally authorized for that exercise.

Article 50: Professionals or persons authorized to practice in health sciences responsible, by reason of their profession, for the technical or scientific management of any health care, pharmacy and related establishment, shall be jointly and severally liable with the owner of said establishment, for legal or regulatory infractions committed in said establishment.

Article 51: The simultaneous exercise of two or more of the health professions mentioned in article 40 is declared incompatible.

Article 52: Only doctors and dentists, in the legal exercise of their professions, may certify the state of health of people, provided that they are personally confirmed by virtue of that exercise.

Article 53: It is the responsibility of treating physicians and official physicians to certify the death of persons and their causes, using for this purpose the official formulas subject to international conventions, except for the pertinent regulatory exceptions in case of innocence.

Article 54: Only doctors may prescribe medications. Dentists, veterinarians and obstetricians may only do so within the area of their profession.

Article 55: The professionals legally authorized to prescribe medications and those authorized to dispense them, must abide by the terms of the pharmacopoeias declared official by the Executive Power and are, in any case, subject to the regulations and special orders that said Power dictates. , for the best control of medicines and the best protection of the health and safety of people.

Article 56: Only pharmacists may dispense drug prescriptions, and in any case they are obliged to reject the dispatch of any prescription that does not comply with scientific, legal and regulatory requirements.

Article 57: The professional regency of more than one pharmaceutical establishment is prohibited.

Article 58: The owners and managers of all pharmacies and clinical laboratories are subject to the obligation of night service and on holidays in accordance with the pertinent regulatory provisions and the needs of the population they serve.

Article 59: Physicians are obliged to inform the Ministry of drug addiction cases that they become aware of during their professional practice and may only prescribe narcotic drugs in forms and in official therapeutic doses to be used within the following seventy-two hours.

Larger doses and for a longer period may be prescribed under your responsibility, subject to current regulatory provisions.

Article 60: Dentists and veterinarians may prescribe narcotic drugs within the exercise of their profession in official therapeutic doses and to be used in the following seventy-two hours at most.

Article 61: Dental mechanics will limit their professional work to the requests and instructions of the dentist with whom they work, being prohibited from performing other dental work.

Article 62: It is forbidden to dispense lenses graduated in diopters for the correction of visual defects without the prescription of an ophthalmologist or optometrist duly authorized to exercise their profession.

Likewise, the dispatch of said glasses in establishments that do not have the regency of an accredited optometrist is prohibited.

Article 63: Professionals who use natural or artificially radioactive material or devices designed to emit ionizing radiation must register with the Ministry and may only act in establishments specially authorized by that administration for such purposes.

Article 64: Health science professionals involved in scientific experimental research involving human beings must register with the Ministry declaring the nature and purposes of the research and the establishment where it will be carried out.

Article 65: Experimental scientific research that has human beings as subjects may only be carried out by specially qualified professionals, who will assume full responsibility for the experiences, in establishments that the Ministry has authorized for such purposes.

Article 66: Clinical experimental research in patients must be subject to the regulations of the Code of Medical Morals.

Article 67: No professional may subject a patient to therapeutic clinical experimentation without duly informing about the need, interest and risks that the experiment has for the patient so that the latter, or the person legally called to give consent, previously grant it. with due knowledge of the cause.

Article 68: No professional may subject a person to clinical experimentation for scientific purposes without a history of previous experience with animals and without the subject's prior consent.

SECTION II
OF THE DUTIES OF PERSONS OPERATING ESTABLISHMENTS DEDICATED TO MEDICAL CARE AND THE RESTRICTIONS TO WHICH SUCH ACTIVITIES ARE SUBJECT

Article 69: Medical care establishments, for legal and regulatory purposes, are those that carry out health promotion activities, disease prevention or provide general or specialized care, on an outpatient or internal basis, to people for their treatment and consequent physical or mental rehabilitation.

Included in this consideration are maternity hospitals, nursing homes for convalescents and the elderly, nutritional recovery clinics, centers for the care of drug addicts, alcoholics or patients with behavioral disorders, and private professional offices.

(As amended by Law No. 7600 of May 2, 1996, published in La Gaceta No. 102 of May 29, 1996).

Article 70: All health care establishments must meet the requirements set forth in the general regulations that the Executive Power dictates for each category of these, especially technical work and organization regulations; type of personnel needed; physical plant, facilities; equipment; Sanitation and waste disposal systems and other special ones that proceed according to the nature and magnitude of the operation of the establishment.

Article 71: Any natural or legal person of public or private law, owner or administrator of establishments intended to provide medical care services to people, must obtain prior authorization from the Ministry to proceed with their installation and operation, and must accompany their request the background in which it is proven that the establishment meets the general and particular requirements set by the corresponding Regulation and the declaration of acceptance of the person who will assume the technical responsibility of its management.

The authorizations will be granted for five years and any modification in the establishment will also require prior authorization.

Article 72: The owners, directors or administrators of the establishments in which naturally or artificially radioactive material or equipment designed for the emission of ionizing radiation is used for the purpose of diagnosis, medical or dental therapy or scientific research, mainly or incidental to the general activities of the establishment, they must also request special authorization for each type of operation.

The operating authorization will be granted by the Ministry once the special conditions of the facilities have been approved; each apparatus or unit of equipment; the means of control, conservation and maintenance of the materials; the protection systems for personnel and third parties, if applicable, and when the facilities, due to their structure, allow compliance with the regulatory safety standards and when each unit of equipment meets the specific regulatory requirements for its type and period of use.

Article 73: In the same way, the operating permit for establishments where vital organ transplants are carried out will be granted by the Ministry, once it is verified that it has the necessary facilities and equipment, and that a declaration of the specialized professionals who will have technical responsibility for such operations.

Article 74: The directors and administrators of care establishments must ensure the correct and diligent operation of the system of admissions and discharges of patients and by the corresponding record file clinicians, having to deliver to the Ministry, at the time and within the term determined by the regulation or the competent health authority, the information required statistics.

Article 75: The directors of health care establishments must report, within the following twenty-four hours, to the competent authority the births and deaths that have occurred in these and the cases of drug addiction attended.

Article 76: The directors and administrators of care establishments will ensure strict compliance with the measures and orders intended prevent the spread of communicable diseases within the establishment and community.

Article 77: Every medical care establishment, similar and related may be intervened or closed, depending on the seriousness of the case, by the authority of competent health when an increase in the rate of infections is observed that in his opinion could constitute a danger to the health of patients, their staff or third parties.

Article 78: Any similar or related medical care establishment may be temporarily closed permanently when it works properly non-regulatory or endangering the health of patients, staff or third parties, in the opinion of the Ministry.

Article 79: They may be used for the purpose of scientific research and studies anatomopathological the corpses of people who died in establishments assistance that have not been claimed within the regulatory period.

Article 80: No one may oppose the autopsies that are performed in accordance with the corresponding regulatory provisions. The Embalming of human corpses may only be carried out by anatomopathologists duly registered with the College of Physicians and Surgeons.

SECTION III
OF THE DUTIES OF PERSONS OPERATING ESTABLISHMENTS DEDICATED TO AUXILIARY, COMPLEMENTARY OR HEALTH CARE SUPPORT AND RESTRICTIONS TO WHAT ARE SUCH ACTIVITIES SUBJECT?

Article 81: They are auxiliary, complementary or support establishments of the health actions, those who provide services or supply goods special materials, necessarily required for the achievement of such Actions.

Article 82: The production, supply and adequate and timely supply of medicines of technically required purity, potency, efficacy and safety, as well as the validity of the analyzes and the goodness of artifacts and instruments for medical use, are basic elements for effective prevention and therapy of diseases. diseases and for the rehabilitation of the patient.

Consequently, natural or legal persons dealing with such activities must put the greatest diligence in their tasks and the maximum of their diligence in avoiding omissions in compliance with legal provisions or pertinent regulations or of the orders that the Executive Power dictates, regulating such activities in the protection of the public interest.

Paragraph 1

Of the requirements to operate Health Laboratories and the restrictions to which such activities are subject

Article 83: The Microbiology and Clinical Chemistry laboratories are:

a) *Chemical Analysis Laboratories* _ *Clinicians:* All those who offer their services to take samples or analyzes included in the matters cited in the Constitutive Law and Regulations of the College of Clinical Chemical Microbiologists of Costa Rica or in any of its branches or specialties;

b) *Blood Banks:* Any establishment where blood is obtained, stored, handle and supply human blood and its derivatives; Y

c) *Biological Laboratories:* Those that for the elaboration of their products use microorganisms or their toxins, or blood and its derivatives.

Such establishments must operate under the management of a professional, incorporated into the College of Clinical Chemical Microbiologists, which will be responsible of the operation of the establishment. The regulation will indicate in which cases It will require the supervision of a specialized clinical chemical microbiologist. The owner of the establishment will be joint and several in such responsibility.

Article 84: To establish and operate microbiology and clinical chemistry laboratories, pathological and any other type that serves for diagnosis, prevention or treatment of diseases or to report on the state of health of people, whether public, private, institutional, or otherwise nature, they need, when registering with the Ministry, to present the background, certified by the respective College, certifying that the premises, its facilities, professional and auxiliary personnel and the minimum amount of equipment, materials and reagents available, ensure the correct performance of the operations in order to safeguard the quality and technical validity of the analyzes and to avoid the development of risks to the health of personnel or the community, particularly those derived from the use of radioactive materials or specimens of communicable diseases and their consequent disposal.

Article 85: The authorization of functioning or operation will be granted once that the interested party certifies having complied with all the requirements regulations or those that may have been made especially, on the occasion of your request for installation and will last two years, unless the lack of a responsible professional, the infractions that are committed, or the evidence of risks to people, merit the temporary closure of the establishment or the definitive cancellation of the authorization. The control of these establishments will be made by the respective Association, without prejudice to the powers of control and surveillance of the Ministry.

Article 86: Any change in the regency, property of the establishment or in its operations or facilities will require, prior authorization from the respective Association, registration with the Ministry.

Article 87: The person responsible for the technical management of a laboratory is obliged to declare to the Ministry, the origin of the materials used in the procedures and means available for its conservation and production of the reagents.

Article 88: Any authorized person who performs analyzes or special tests in private laboratories must adjust their work to the standards and guidelines established the Official Laboratory and will be subject to the supervision of this body.

Article 89: The director of any laboratory is obliged to report to the competent health authority, in accordance with the provisions regulations, the presence of causal agents of diseases declared mandatory reporting or health interest by the Ministry.

Paragraph II

Of the Requirements to operate Blood Banks and the restrictions to which such activities are subject

Article 90: Any natural or legal person who wants to install and operate a Blood Bank, needs, prior authorization from the College of Clinical Chemical Microbiologists, registration with the Ministry.

Transfusion services will require a special authorization from the Ministry.

Article 91: In order to establish and operate blood banks, the interested parties must declare when registering with the Ministry, the nature and technique of the processes they propose to carry out and accompany the antecedents, certified by the Association of Clinical Chemical Microbiologists, in which it is accredited that the The establishment meets the regulatory conditions required for its proper functioning, especially in terms of the person who will be technically responsible for the operation; to the appropriate facilities and equipment for the preparation, handling, classification and conservation of blood and its derivatives, as well as the identification, health status and registration of blood donors.

The control of these establishments will be in charge of the College of Clinical Chemical Microbiologists, without prejudice to the powers of control and surveillance of the Ministry.

Article 92: Changes in the professional regency, activities or installation of blood banks will require, prior authorization from the College of Clinical Chemical Microbiologists, registration with the Ministry.

Article 93: Human blood, plasma or its derivatives may be used only for medical-surgical therapeutic purposes and under medical prescription.

In the event of a national disaster or emergency, the Ministry may make use of the reserves of blood or its derivatives existing in public or private blood banks.

Article 94: Private establishments are prohibited from exporting human blood, plasma and their derivatives, except in cases of qualified emergency, in the opinion of the Ministry.

Paragraph III

Medicines, the requirements to operate pharmaceutical establishments and the restrictions to which such activities are subject

Article 95: Pharmaceutical establishments are:

a) Pharmacy, one that is dedicated to the preparation of prescriptions and the sale and direct supply of medicines to the public. b) Drugstore, that which operates in the importation, storage, distribution and wholesale of medicines, being forbidden to carry out direct supply to the public and the preparation of prescriptions. c) Pharmaceutical Laboratory or Pharmaceutical Factory: that which is dedicated to the handling or preparation of medicines, of raw materials whose exclusive destination is their manufacture or preparation and the handling or manufacture of cosmetics; and d) Medicine cabinet, the small establishment destined, in a restricted way, only to supply medicines that the Ministry authorizes, previously hearing the criteria of the College of Pharmacists.

In the case of medicines for veterinary use, it will also be necessary to previously hear the criteria of the College of Veterinary Doctors.

Article 96: Every pharmaceutical establishment requires the regency of a pharmacist for its operation, with the exception of medicine cabinets and pharmaceutical laboratories that are dedicated exclusively to the manufacture of cosmetics that do not contain medications. Establishments exclusively for medicines for veterinary use, in special cases, can be managed by a Veterinary Doctor. For such purposes, the professional who, in accordance with the law and the respective regulations, assumes the technical and scientific direction of any pharmaceutical establishment is considered regent. Said regent is responsible for everything that affects the identity, purity and good condition of the medicines that are produced, prepared, handled, maintained and supplied, as well as for the contravention of the legal and regulatory provisions that derive from the operation of the establishments. .

The owner of the establishment is joint and several in this responsibility.

Article 97: The installation and operation of pharmaceutical establishments require registration with the Ministry, prior authorization and registration with the College of Pharmacists. In the case of pharmaceutical establishments for medicines for veterinary use, authorization and registration with the College of Veterinary Doctors will also be necessary.

The natural and legal persons who wish to install a pharmaceutical establishment must accompany their request with information on the facilities, equipment and the professional who will assume the regency, as applicable by regulation.

Article 98: For the installation and operation of laboratories or factories of medications, those interested must prove, in addition to what is stipulated in the previous article, that the physical plant, facilities, equipment and raw materials and personnel are adequate for the operation and that it will be done with strict compliance with drug quality and control standards.

Article 99: The owners or administrators of the laboratories that are engaged in the preparation or handling of biological or injectable drugs must also prove that they have the necessary elements to carry out all the tests that ensure the identity, efficacy, safety and sterility of the product, as appropriate and that there are adequate means for the safety of its personnel and those for the conservation of the crops and animals used.

Article 100: The operating permit granted to establishments pharmacists will be valid for two years unless the lack of regent or the infractions that are committed warrant its closure by the College of Pharmacists or by the Ministry. The control of these establishments will be made by the College of Pharmacists without prejudice to the powers of control and Ministry surveillance.

Article 101: The preparation, manipulation, sale, sale, supply and deposit of medicines can only be made in establishments duly authorized and registered pharmacists.

Article 102: The importation of medicines and their distribution will only be allowed to legal or natural persons registered with the Ministry, prior authorization and registration with the College of Pharmacists, in accordance with the corresponding legal and regulatory provisions.

Article 103: In any case, the Central Government and public institutions with Health functions may directly import, manufacture, handle, store, sell or supply medications, raw materials or medical-surgical materials, when compliance with their programs or emergency situations emergency require it, with the sole approval of the Ministry, in accordance with the Respective regulation.

Article 104: It is considered medicine, for legal and regulations, any natural, synthetic or semi-synthetic substance or products and any mixture of these substances or products used for the diagnosis, prevention, treatment and relief of diseases or abnormal physical states, or the symptoms thereof and for the restoration or modification of organic functions in people or animals.

Included in the same name and for the same purposes are foods
dietary and food and cosmetics that have been added with medicinal substances.

The substances referred to in the first paragraph are not considered medicines.
when they are used for chemical and clinical chemical analysis, or when they are
used as raw material in industrial processes.

All medication must comply with the particular regulatory requirements
that by their nature are exclusively applicable to them, in addition to the general ones
that are established for all medicines in this law.

Article 105: Medications may be presented for use, trade,
distribution and supply with generic name or registered name. Are from
generic name those pure drugs, presented in formula
pharmaceutical or singularly, designated with a general technical name
recognized by the official pharmacopoeias or by technical works of recognized
authority. The generic name medicine can be simple or it can be a formula made up
of two or more generic name medicines.

Medicines with a registered name are those that are delivered to the trade and
use under a particular name of invention and under registered trademark.
For legal and regulatory purposes, medications will be considered
cosmetics that, presented under a generic or registered name, have medicinal or toxic
activity and are intended for the preservation or modification of the
personal appearance by altering or influencing the structure or
function of any organism or tissue of the human body.

Article 106: It is considered that a medicine can, legally, be destined
to trade, public use and consumption, when it meets the regulatory requirements, or
the pharmacopoeia declared official by the Executive Power in
regarding its identity and qualities, safety and efficacy for the purposes for which it is
use, consume or prescribe and insofar as natural or legal persons
responsible for its importation, trade, handling,
distribution and prescription, have complied with the legal requirements and
regulations relevant to each of these actions.

Article 107: The importation, elaboration, trade, distribution
or supply in any capacity, manipulation, use, consumption and possession for
trade in deteriorated, adulterated or falsified medicines.

Article 108: The import, trade, use or supply of
medicines that are in the process of experimentation, except in the conditions and
circumstances and for the time authorized by the Ministry.

Article 109: Impaired medication is understood, for legal and regulatory purposes, as one that for any reason has lost or diminished its safety, potency or purity.

Deterioration is presumed as of right, in those medicines that are traded, distributed or supplied after the expiration of the duration indicated on their container or wrapper.

Article 110: It is adulterated medication, for legal and regulatory purposes:

a) The one that is sold under a designation accepted by the official pharmacopoeia and does not correspond to its definition or identity or satisfy the characteristics that the pharmacopoeia attributes to it in terms of its qualities.

b) That which is sold under a name not included in the official pharmacopoeia and does not correspond in identity, purity, potency and safety to the name and qualities with which it is announced in its labeling or in advertising.

c) The one that is presented in containers or wrappers not allowed by regulation because it is estimated that they can add dangerous substances to the medicine or that they can react with it in a way that alters its properties.

d) That which contains dyes or other additives considered technically dangerous to be added to that particular type of medication.

e) That which has been prepared, handled or stored in unauthorized establishments or under non-regulatory conditions.

Article 111: Any medication will be considered counterfeit for legal and regulatory purposes:

a) That it is sold in an original container or wrapper or under a name that does not correspond to it. b) When the mandatory regulatory content is not included in its signage or label. c) When its labeling, or the information that accompanies it, contains false, ambiguous or misleading mentions regarding its identity, composition, qualities, usefulness or safety.

Article 112: Any natural or legal person may only import, manufacture, handle, trade or use medicines registered with the Ministry and whose registration has satisfied the regulatory requirements, especially those related to

the nature and amount of information required on the drug or product submitted for registration; the delivery of samples necessary to carry out the analyzes that may be necessary, to those pertinent to the name with which the product will be identified; to the content of the labeling; to the type of containers or wrappers that will be used and to the payment of the rates indicated in the relevant tariff.

Article 113: The registration of all medication will be done before the Ministry, where the registration will be carried out when appropriate according to the corresponding regulatory provisions.

Said registration will be in charge of a Technical Organization whose integration and functions will be determined by the Organic Law of the Ministry and the respective Regulation.

Article 114: The registration of any drug will last five years, except for infractions in the preparation, trade or use incurred by its owner, or demonstrative experiences that the product is unsafe or ineffective in the terms in which it was authorized and registered. , make its cancellation or the corresponding modification appropriate.

Article 115: Any change in the name of a medicine, in its formula, in the form of its dosage, in the container and content of the labeling that accompanies it, or in advertising, will require prior permission from the Ministry.

Article 116: Medications with a registered name, for the purposes of their importation, trade and distribution in the country, require for their registration proof of health registration in the country of origin and proof of analysis corresponding to the product, issued by a national laboratory or foreigner, who, in the opinion of the Ministry, guarantees his identity and his quality, according to the official pharmacopoeia or technical texts of recognized authority; This last voucher can also be issued by the chemical and pharmaceutical products control laboratory of the manufacturer itself.

Generic name medicines require for their registration and for the same purposes indicated in the previous paragraph, proof of analysis that guarantees their identity and quality, according to the official pharmacopoeia or technical texts of recognized authority, extended this proof in the same way. and conditions indicated in the previous paragraph.

The Ministry may exempt from the tests mentioned above, when it is a known product and that by its very nature makes those requirements unnecessary; or, in the case of medicines not described in the official pharmacopoeia or technical texts of recognized authority, whether they are registered brand name pharmaceutical products or generic name medicines, it may

require the tests that are necessary to verify the identity, quality and therapeutic and biopharmaceutical efficacy of the product.

Article 117: In case of urgency or public need, the Ministry may authorize the importation and use of unregistered medicines.

For exclusive research purposes, the importation, production and use of unregistered drugs may be authorized, in accordance with the corresponding regulatory provisions.

Article 118: The customs authorities may not authorize the clearance of medicines without the prior authorization of the Ministry.

Article 119: The importation, sale, sale, handling and storage of any medicine is subject to the general legal and regulatory requirements and to the restrictions that the Ministry decrees for each particular medicine, among others, the obligation of medical prescription when appropriate.

Article 120: Medications that the Ministry declares as such in the corresponding decree, after hearing the criteria of the College of Pharmacists, are for free sale. In the case of medicines for veterinary use, the College of Veterinary Doctors will also be consulted.

Article 121: Any person who prepares, handles, trades or distributes medicines, must use suitable packaging, packaging material and packaging in accordance with the regulatory provisions in order to prevent the deterioration or alteration of the medicine, as well as the development of conditions risky for the consumer.

Article 122: It is understood by container, any container destined to contain substances or mixture of substances in any state and by packing or packaging, all the materials that are used to protect the packaged medicine in its handling and transport.

Packaging materials are those that internally protect the medication and the elements that may accompany it, to facilitate its application.

Article 123: Any person who maintains or stores medicines, as a main or incidental activity, must use appropriate places, procedures, containers and packaging that prevent the deterioration, adulteration, counterfeiting of medicines, as well as the development of risky conditions for the people's health.

Article 124: The labeling or labeling of all containers or packaging of medicines or medicinal products can only be done in establishments and by authorized persons and must include the regulatory content and the special mentions that the Ministry orders in safeguard of the safety and health of people. Both the indicated labeling and the accompanying literature must be written in Spanish.

Paragraph IV

Of the Duties and Restrictions of Persons in relation to narcotic drugs and others

Article 125: The production of raw materials and the preparation, trafficking, supply and use of narcotic drugs and others capable of producing physical or psychological dependence on people, constitutes a matter of special public interest and therefore, people, professionals in medical sciences or non-professionals, who participate in such activities, must strictly comply with the relevant legal and regulatory provisions and respect the restrictions to which they are subject.

Article 126: For legal and regulatory purposes, drugs included in the United Nations Single Convention on Narcotic Drugs of 1961 and all those that are subject to international control in the future and those that, in the opinion of the Ministry, are declared as such. .

Article 127: The cultivation of opium poppy (papaver somniferum), coca (erythroxylon coca), hemp or marijuana (cannabis indica and cannabis sativa) and any other plant for medicinal purposes is prohibited and subject to destruction by the competent authority. similar, as declared by the Ministry. The import, export, traffic and use of the aforementioned plants, as well as their seeds when they have germination capacity, is also prohibited.

Article 128: Any person is prohibited from importing any narcotic drug and medicines that, due to their use, may cause physical or mental dependence in people, included in the corresponding restrictive decree issued by the Executive Power. Such importation will be the exclusive responsibility of the Ministry and it will exercise it directly free of all taxes, charges and encumbrances, limiting the amount of imports to the medical needs and scientific research of the country and, in any case, in accordance with the international conventions that the Government has signed or ratified.

Article 129: Notwithstanding the provisions of the previous article, legal and natural persons registered as importers and specially authorized by the Ministry, may import medicines with a registered name that

contain narcotic drugs subject to legal and regulatory restrictions.

Article 130: The sale or supply of drugs to the public is prohibited narcotics or psychotropic substances and products capable of producing physical or psychological dependence in people.

Article 131: Only practicing doctors, dentists and veterinarians law of their professions may prescribe and administer subject to the relevant regulatory requirements, narcotic drugs and substances or declared prescription psychotropic, anesthetic and similar products restricted by the Ministry. The personal administration of such drugs may only be be made by the aforementioned professionals or by authorized personnel under the responsibility of the professional who prescribes them.

Article 132: Only duly managed pharmaceutical establishments may obtain narcotic drugs and declared psychotropic substances or products. of restricted use by the Ministry in accordance with the relevant regulatory provisions and must strictly control the movement of such medications.

Article 133: The storage and handling of narcotic drugs and substances or psychotropic products declared to be of restricted use by the Ministry and the dispatch of prescriptions in which they are prescribed, will correspond personal and exclusively to pharmacists.

Article 134: The elaboration, the transit through the Republic, the trafficking or commerce, possession to trade or distribute and the supply and administration, in any capacity, of narcotic substances or products and psychotropic substances declared to be of restricted use by the Ministry, in contravention of the terms of this law and its regulations, or of the special orders that the Ministry issues for a better control of these.

Article 135: Pharmaceutical regents are especially obliged to display of the corresponding documentation that the health authority required for the best control of the trade, supply and use of substances and products mentioned in the previous article and will respond personally and jointly with the owner of the establishment for the infractions committed there.

Article 136: Every person is obliged to allow the immediate entry of duly identified Ministry officials to their industrial, commercial or warehouse establishment and to the buildings under their care in order to take the necessary samples and to control the conditions of the

production, trafficking, possession, storage or supply of medicines and

especially narcotic drugs and psychotropic substances or products, declared restricted use.

Article 137: The following will be confiscated:

a) Narcotic drugs, psychotropic substances and products declared to be of restricted use by the Ministry, when they are manufactured, traded, possessed or supplied illegally or illegally.

b) Damaged, adulterated and falsified medicines.

c) Medications that are manufactured, traded, stored, distributed or supplied illegally or illegally.

d) The crops and plants referred to in article 127 and the seeds when they have germination capacity, which, in addition, will be subject to destruction by the competent authority.

Paragraph V

Of the Duties and Restrictions related to Hygiene products, Non-medical cosmetics and others

Article 138: Any natural or legal person needs prior permission from the Ministry to import and manufacture substances or products for hygiene and personal hygiene, perfumery and cosmetics that do not contain medicines and that are intended only for the modification and beautification of appearance. personnel, subject to the pertinent regulatory provisions for this type of operations and in the case of cosmetics, also to the provisions of article 97 of this law. Said persons will respond, in any case, that the substances or products, their conditions of preparation, packaging and supply and the indicated form of administration do not constitute a risk to the health of persons.

Article 139: The production, trade, distribution, supply to the public of products for cleaning or personal hygiene, perfumes and cosmetics that contain artificial radioactive elements, poisonous substances, dangerous, prohibited use or in proportion greater than the limits permitted by law is prohibited. the Ministry.
Likewise, the sale and distribution to the public of the products referred to in the preceding paragraph in inadequate or dangerous packaging or that do not contain sufficient information on the administration and use of the product and the risks involved is also prohibited.

Paragraph VI

Of the Restrictions to the Promotion and Propaganda of Medications and Similar

Article 140: The sale and trade of medical or free samples and their possession in pharmacies, medicine cabinets, or retail establishments is prohibited. In any case, the delivery of samples, such as advertising or drug promotion, may only be made to health sciences professionals by duly accredited sales representatives who must be members of the College of Physicians and Surgeons or the College of Pharmacists.

Likewise, regarding medicines for veterinary use, it must be carried out by members incorporated to the Association of Veterinary Doctors or Pharmacists. The information on its supply must contain at least the complete list of active ingredients, their appropriate form of administration and their against indications.

The constitutionality of this article has been questioned through unconstitutionality action No. 2471_95. Published in The Judicial Bulletin No. 32 of February 14, 1996.

Article 141: The promotion or propaganda of medicines and cosmetics directed to the public is prohibited, when it misleads; when it is done in violation of the regulatory provisions, the authorizations obtained in the case of medications or the restrictions imposed by the Executive Power, taking into account the nature of the medication and the type of illness, physical disorder and symptoms for which it is used .

Paragraph VII

Of the restrictions to which the Activities Related to Medical Equipment and Devices and the like

Article 142: Persons who import, manufacture, sell or repair instruments, devices, equipment or materials used in the treatment of patients, in the correction of physical defects, in the modification of organic functions and in dentistry, must comply with the provisions pertinent regulations and be subject to the corresponding restrictions that the Ministry dictates in order to protect the health of the people.

Article 143: The importation, trade and supply of medical and dental apparatus, equipment, instruments, or materials that, due to their poor quality, poor state of conservation or malfunctioning, do not comply with the required regulatory specifications, taking into consideration the purpose for which they are used, or if they involve a risk to people's health.

Article 144: Any natural or legal person dealing with the importation, manufacture, repair or sale of optical instruments, eyeglasses and contact lenses must request prior permission from the Ministry to act and install the establishments in which such activities are carried out.

Interested parties must indicate in their application the qualified person who will be responsible for the technical operation of the establishment.

Article 145: In any case, the use, handling, application and administration, as appropriate, of materials, devices, equipment or instruments that, due to their nature, may pose a risk to the health of the people who handle or use them, or to the patient, or that are declared risky by the Ministry, must be operated, administered and used by people trained in such activities and in the regulatory conditions that avoid or reduce the risk to people.

Article 146: The importation and transfer, under any title, of natural or artificially radioactive material and apparatus and equipment designed for the emission of X-rays, for medical, dental and veterinary diagnosis or therapy or for scientific medical research, must be authorized and registered in the Ministry, hearing the Atomic Energy Commission when deemed necessary.

CHAPTER II
OF THE DUTIES AND RESTRICTIONS TO WHICH THE PEOPLE WHO, BY CERTAIN ACTIONS OR ACTIVITIES, MAY AFFECT THE HEALTH OF THIRD PARTIES

SECTION I
OF THE DUTIES AND RESTRICTIONS OF PERSONS RELATING TO THE NATIONAL AND INTERNATIONAL DISEASE CONTROL COMMUNICABLE

Article 147: Every person must comply with the legal or regulatory provisions and practices intended to prevent the appearance and spread of communicable diseases.

It is especially obliged to comply:

a) The provisions that the Ministry dictates on the notification of diseases declared mandatory reporting.

b) The preventive measures ordered by the health authority when a disease occurs sporadically, endemicly or epidemically.

c) The preventive measures that the health authority orders in order to locate and control infectious foci, transmission vehicles, hosts and vectors of contagious diseases or to proceed with the destruction of such foci and vectors, as appropriate.

Article 148: Every person must also be diligent in complying with personal hygiene practices aimed at preventing the appearance and spread of communicable diseases; in preventing the contamination of infection vehicles such as water, food, the infestation and contamination of movable and immovable property and the formation of sources of infection.

Article 149: Every person must undergo the health examinations that the Ministry orders as it deems them technically necessary.

Article 150: Vaccination and revaccination against communicable diseases determined by the Ministry are mandatory.

Exception cases, for medical reasons, will be authorized only by the corresponding health authority.

Article 151: Parents, tutors, curators, custodians and managers are responsible for the timely compulsory vaccination of minors and disabled persons in their care.

Any person may request the administration of discretionary vaccines from the health services, in the manner determined by the regulations.

Article 152: Every person is obliged to show vaccination and health certificates in accordance with the respective regulations and, in any case, when the health authority so requires.

No authority may retain a person's valid vaccination certificates.

Article 153: The presentation of mandatory vaccination and revaccination certificates and any others that the health authority may provide will be a requirement for the annual enrollment of schoolchildren.

The directors of educational centers, public and private, will be responsible for strict compliance with this provision.

Article 154: Vaccination certificates, to be valid, must be granted by health service officials, public or private, or by practicing physicians, in the official formulas.

The improper use of such official formulas is prohibited to any person.

Article 155: Persons affected by communicable diseases included in the official list are prohibited from attending educational, work and recreational establishments or public or private meeting places during the period of communicable disease, at the discretion of the health authorities.

Parents, tutors, curators and custodians are responsible for this obligation regarding minors or disabled persons in their care.

The directors of educational establishments and the owners or administrators or managers of premises or work and recreation centers will ensure compliance with this provision and will require the presentation of the medical certificate that authorizes the return of the individual to their usual activities when appropriate.

Article 156: The owners, administrators and managers of public service establishments such as hotels, swimming pools, bathrooms, inns and the like are obliged to prevent the assistance of people affected by communicable and parasitic diseases at the time indicated by the health authority and adhering to your instructions.

Article 157: All owners or managers of hotels, inns, boarding schools and the like, where several people stay, must notify the corresponding local health authority of any case of communicable disease or suspected of being so, that there is in their establishments, without medical care.

Article 158: The Ministry will decree which are the mandatory reporting diseases and they are especially obliged to report within twenty-four hours following the certain or probable diagnosis of the disease:

a) The professionals who assist the patient and those who, due to their functions, are familiar with the case. b) The Director or person responsible for the laboratory that established the diagnosis. c) Health service officials. d) Any person to whom the law, regulation, or health authority expressly imposes such an obligation.

Article 159: The treating physicians may request the collaboration of the health services for the timely and rapid diagnosis of communicable diseases of mandatory declaration.

Article 160: In case of suspicion or confirmation of a case of communicable disease that must be reported, the treating physician must order the necessary measures to prevent the spread of the disease, in accordance with the regulations established by the health authorities.

Article 161: People affected by communicable diseases that must be reported must submit to isolation measures when and in the manner established by the authority.

Isolation is understood as the separation of the patient or patients, during the period of transmissibility, in places and under conditions that prevent the direct or indirect transmission of the infectious agent to people or animals that are susceptible or that can transmit the disease to others.

In cases where the health authority orders the hospitalization of the patient in public or private health care establishments, they may not refuse to provide such service.

Article 162: Persons affected by communicable diseases are obliged to undergo the corresponding treatment, and may use the public health services for this purpose in the manner determined by the regulations.

Leprosy, tuberculosis and venereal disease patients are especially obliged to undergo free treatment for their disease or continue it if they have suspended it, unless they duly certify, before the corresponding health authority, that they are being treated in private institutions or by a doctor. particular.

Article 163: People who have been in direct or indirect contact with people who suffer from a communicable disease of mandatory reporting, will be considered for the purposes of this law and its regulations as contacts and must submit to the observation and control measures that the authority Sanitary indicate.

They must also truthfully inform and facilitate the action of the health authority, when it comes to establishing the epidemiological chain of communicable diseases, especially that of venereal diseases.

Article 164: Every person is obliged to carry out the works or practices necessary to prevent or combat infestation or contamination and the formation of sources of infection in the real estate or furniture owned or cared for.

Article 165: Substances or objects considered dangerous for favoring the spread of diseases, must be sterilized or destroyed by their owners or managers, following the instructions of the health authority and their waste may only be used when authorized by it.

Article 166: The owners and representatives, administrators and managers of transportation companies must keep the vehicles and terminal stations in good clean conditions and will proceed to their convenient disinfection, disinsection, rat extermination and the destruction of other harmful animals and to comply with the special measures that the competent health authority orders in order to prevent the appearance and spread of diseases and the dissemination of vectors, inside and outside the country.

Article 167: The owner, administrator or person in charge of all medical care establishments, nursing homes and the like must strictly comply with the measures aimed at preventing the spread of communicable diseases within the establishment and towards the community and will be especially obliged to have the equipment and supplies to prevent the spread of infection.

Article 168: The internment, cultivation or maintenance of microorganisms, bacterial cultures, viruses and pathogenic fungi is prohibited, without special permission from the Ministry.

Article 169: In case of danger of an epidemic, or an epidemic declared by the Executive Power, every person is obliged to collaborate actively with the health authorities and, especially, public administration officials and professionals in health sciences and collaborative trades.

Article 170: Every person must allow duly identified health officials to enter their home or the properties they own or care for, so that they carry out disinsection and the controls and practices that are necessary to prevent the appearance or spread of insects. possible diseases of mandatory reporting, refraining from interfering in such actions.

Article 171: Any natural or legal person must avoid harmful omissions and will use the utmost diligence in complying with the mandatory provisions and the practices, measures and works that the health authority orders to prevent the international spread of communicable diseases, in accordance with the precepts of the Pan American Sanitary Code, the International Health Regulations and the agreements and treaties that the Government signs or ratifies.

Article 172: Foreigners who request to stay in the country must accompany their request with valid vaccination certificates or health certificates that the Ministry requires, being subject to the requirements and restrictions that the migration regulations contemplate, in order to protect the health of the population.

Article 173: Every person entering the national territory, temporarily or permanently, must prove, by means of a valid certificate, that they have been subjected to mandatory vaccinations.

If they cannot prove it, they will be vaccinated at the port of entry and if they refuse, they will be subjected to isolation or surveillance, as appropriate and in a manner determined by the health authority.

Article 174: The captain of any ship or aircraft is obliged upon arrival, to present the corresponding health documentation and to report any case of illness known to him, as well as the health conditions on board during the trip.

Article 175: Every transport vehicle may be subject to the medical inspection upon arrival of an international trip, which, in accordance with the regulations, is carried out by the health authority and, therefore, the person responsible for the vehicle and the passengers must undergo and cooperate with the health authority to carry out such practice.

Article 176: The captain of the ship, aircraft and the owners, administrators and managers of the transport vehicles, as appropriate, will comply with the special measures that the health authority orders to take, practice or carry out, considering the health status of the place of origin, the circumstances produced during the trip and the state of the ship or vehicle transporting the cargo and luggage.

Article 177: People infected or carriers of parasites who arrive on an international trip will be treated in the place and manner determined by the health authority and may be subject to isolation, surveillance or special prophylaxis measures, as appropriate, in the opinion of the authority. sanitary Authority.

In the same way, suspected cases will be subject to surveillance in the manner and for the time determined by the health authority.

Article 178: All airports, sea or river ports and land border posts open to international traffic must have medical and health resources to prevent the spread of diseases. They must also meet basic sanitation conditions and will be subject to the health control of the Ministry.

Article 179: The owners, administrators or managers of the company that transports a traveler, outside the country, must demand that they prove, previously through a valid certificate, that they have received the mandatory vaccinations or that, for medical reasons, they have been exempt from doing so. .

Article 180: People who wish to leave the country and live in areas infected by communicable diseases subject to international regulations, or who suffer from these, may be subjected to the appropriate prevention measures, including the prohibition to travel for as long as the health authority determines.

Article 181: Natural persons and those responsible, administrators and managers of companies that are temporarily or permanently involved in the international transport of people, animals or things, are obliged to maintain the transport vehicles they use, in a sanitary state, and must proceed to its disinfection, disinsectization, rat extermination and destruction of other harmful animals in the terms and manner determined by the regulations.

The practices mentioned in the previous paragraph must be carried out with elements and procedures approved by the health authority.

Article 182: It is prohibited for any person to transport cargo, luggage or any personal property that may constitute a vehicle for the spread of communicable diseases without complying with the orders or instructions that the health authority has issued to prevent such spread.

Article 183: The international transportation of corpses must be done with the authorization of the health authority and subject to the conditions, requirements and restrictions determined by the regulations.

The transfer of people who have died of communicable diseases or who have been affected by ionizing radiation must be authorized by the competent health authority subject to regulatory requirements.

SECTION II
OF THE DUTIES AND RESTRICTIONS OF PERSONS RELATING TO ZOONOSIS CONTROL

Article 184: Every owner or possessor of animals, in any capacity, must be diligent in complying with the legal and regulatory provisions and in taking the necessary or special measures to prevent the transmission of zoonoses to people. They will also be obliged to vaccinate the animals in their

belonging or care, against diseases specified by the competent authorities.

Article 185: The following are obliged to report the zoonoses that the Ministry declares as mandatory reporting:

a) The veterinarian who heard the
case, b) The laboratory that established the
diagnosis, and c) Any person who has been attacked by the sick animal or suspected of being so, or who is affected by the disease and their treating physician.

Article 186: The owner or possessor of animals, or suspected of being so, must subject them to observation, isolation and care in the manner determined by the health authority. The same measure will apply to warm-blooded animals that have bitten or scratched a person.

The health authority may order the confiscation or slaughter of animals, as appropriate, when in its opinion it is necessary.

Article 187: Any person bitten or scratched or who may have been infected by a sick animal, or suspected of having rabies, must undergo treatment and isolation in the manner determined by the health authority, and may order their hospitalization if deemed necessary.

Article 188: The owners, administrators or managers of establishments or places where sick animals or animals suspected of suffering from diseases transmissible to man, of mandatory reporting, have been kept, will be obliged to proceed with their disinfection or disinfestation, as appropriate, and must observe, in addition , the practices ordered by the health authority.

Article 189: Every person is obliged to allow the entrance to his home or to the closed places of his property or care, to the duly identified competent officials for the purposes of examination, treatment, capture or confiscation of sick or suspected animals.

The owners or those in charge of animals are obliged to slaughter them following the instructions of the health authority or to deliver them, for slaughter, to the competent officials, when so ordered by the Ministry.

Article 190: The transport of sick animals and the disposal of carcasses of animals that have suffered from zoonoses, will be done in a sanitary manner and adhering to the instructions of the competent authorities.

Article 191: It is prohibited to conserve, distribute or deliver, in any way, the meat or by-products of dead or slaughtered animals for having suffered from zoonoses.

Likewise, the industrialization of carcasses of animals that have suffered from zoonoses is prohibited, unless the health authority expressly authorizes it, considering that technically it does not constitute a danger to human health.

Article 192: People who bring animals into the country must comply with all relevant regulatory requirements and especially those that refer to the certificates that the health authorities require. In any case, the admission of animals from countries where there are enzootic or epizootic states that the Ministries of Agriculture and Livestock and Public Health indicate may only be done with written authorization from said Ministries granted in accordance with the regulatory provisions.

Article 193: The entry into the country of animals affected by diseases directly or indirectly transmissible to man, or suspected of being so, or if they are apparent carriers of parasites whose dissemination may constitute a danger to the health of people or other animals, is prohibited.

Article 194: The natural or legal persons dealing with the international transport of animals will be responsible for compliance with the pertinent regulatory provisions and if these are not complied with, they will be obliged to reship them back to the place of departure on their own or to defray the expenses of quarantine or other measures that the health authority orders to be taken, without prejudice to the sanctions that may apply for the corresponding infractions.

In any case, sick animals may be confiscated and slaughtered by the health authority if technically necessary to protect people's health.

Article 195: The keeping of animals will only be allowed when it does not threaten the health or safety of people and when the place where they are kept meets the sanitation conditions required by the regulations, so that it does not constitute a source of infection, breeding of vectors of communicable diseases or cause of nuisance or unhealthy environment.

SECTION III
OF FOOD, OF DUTIES OF PEOPLE THAT OPERATE IN THE FIELD OF FOOD AND RESTRICTIONS TO WHICH SUCH ACTIVITIES ARE SUBJECT

Article 196: Adequate nutrition and the intake of food of good quality and in sanitary conditions, are essential for health and therefore, natural and legal persons who engage in activities related to food, intended for the consumption of the population, They must use the utmost diligence and avoid omissions in complying with the pertinent legal and regulatory provisions and with the special orders that the health authority may issue, within its powers, to safeguard health.

Article 197: Food and food product are understood, for legal and regulatory purposes, to be any substance or natural or processed product, which, when ingested by man, provides the body with the necessary elements for its maintenance, development and activity and all those that, without having such properties, is consumed by habit or pleasure.

For the same purposes, food additives are considered food, understood as such, any natural or processed substance or product, which, possessing or not nutritional qualities, is added to food to help, modify or preserve its properties.

Article 198: Enriched food shall be understood as all that to which substances have been added in the amounts recommended by the regulations to the nutritional standards in order to reinforce its nutritional value.

Article 199: For legal and regulatory purposes, it will be considered that a food is legally capable of being destined and delivered to the consumption of the population when it corresponds to the designation, the definition and the general, organoleptic, physical, chemical, microbiological and microscopic characteristics. that they give and assign, respectively, the regulation or the sanitary and food quality standards approved by the Ministry or signed by the Government by virtue of international conventions.

Meat, of all species, intended for consumption by the population and its by-products must also come only from animals slaughtered in accordance with regulatory standards and in establishments authorized by the Ministries of Agriculture and Livestock and Public Health.

Article 200: It is strictly prohibited to import, produce, use, possess to sell, trade, transfer for free, manipulate, distribute and store, altered or deteriorated, contaminated, adulterated or falsified food.

Article 201: Altered or deteriorated food is understood, for the purposes of this law and its regulations, as that which, due to any natural cause, has suffered damage or change in its basic, chemical or biological characteristics.

Article 202: Contaminated food is considered, for legal and regulatory purposes, that which contains pathogenic microorganisms, toxins or impurities of organic or mineral origin that are repulsive, inconvenient or harmful to health.

Food that is the product of a preparation, packaging or handling carried out in defective sanitary conditions or in contravention of legal or regulatory provisions will be presumed contaminated.

Article 203: For legal and regulatory purposes, all food is considered adulterated:

a) That it contains one or more foreign substances to its recognized and authorized composition. b) To which any of its components have been partially or totally extracted, causing them to lose or reduce their nutritional value. c) The one that has been added, colored or covered up in order to hide its impurities or conceal its inferior quality. d) To which a food additive not authorized by the Ministry has been added.

Article 204: It will be considered falsified, for legal and regulatory purposes, all food:

a) That it is designated or sold under a name or qualifier that does not correspond to it. b) Whose packaging or labeling contains any ambiguous or false design or indication that misleads the public, regarding its quality, ingredients or origin. c) That it is traded or distributed without having been duly registered, when this corresponds by regulation, or when, having been registered, it has suffered unauthorized modifications.

Article 205: The elaboration and trade of artificial foods is allowed, understood as those that imitate a natural food, provided that the manufacturers, vendors and dispensers strictly comply with the relevant regulatory requirements and express in the corresponding labeling of the container or wrapper, in the form clear and precise, its artificial or imitation condition, in order not to mislead or deceive the consumer.

Article 206: Any natural or legal person dealing with the importation, processing or trade of foods with a specific name and under a factory brand must request, previously, the permission of the Ministry and the inclusion of the food product in the corresponding registry, subject to the relevant regulatory provisions, especially those that say

relation to the previous analysis of the product, the payment of the corresponding tariff, the type of container that will be used and the mandatory content of the labeling that accompanies it.

Article 207: The Registration of the food products mentioned in the previous article, can only be practiced when the previous analyzes, carried out by the official laboratory, have a favorable result and the interested party has duly accredited that the product comes from authorized establishments and in operation approved by the Ministry or that has obtained the corresponding Costa Rican consular certificate that the product is allowed for sale, use and consumption in the country of origin, if imported.

Article 208: The labeling of all packaged products must contain, at least, the name or type of food, the list of ingredients, their origin and the particularities that matter to the health of the consumer such as enrichment, having been treated with ionizing radiation or others that the health authority requires.

Article 209: The food registration will be valid for five years, unless the holders have committed infractions that warrant the early cancellation of the registration or that the registered food constitutes a danger to the public's health.

Article 210: Any natural or legal person who imports food, or raw materials for its preparation, must obtain the corresponding permit from the Ministry and register such goods, when appropriate, by regulation.

Article 211: The importation of all food whose trade, distribution and consumption are not authorized in the country of origin is prohibited.

Customs administrators are prohibited from allowing the clearance of food products for human use without prior authorization from the Ministry.

Article 212: Food must be produced, handled, transported, preserved, stored, sold and supplied to the public by the people who deal with it, in hygienic and sanitary conditions and strictly subject to the general legal and regulatory requirements and requirements. and specific, pertinent to each type of actions or operations.

Article 213: Any person, natural or legal, who deals in producing food, must do so in sanitary environmental conditions and using defense or conservation techniques approved by the health authority, in order to avoid, mainly, the contamination of such products and its danger due to the presence of toxic residues from its treatment with pesticides or other defense or conservation systems.

Article 214: The collection and storage of the products referred to in the previous article must be done using sanitary techniques and equipment and adopting the necessary precautions that the Ministry provides to avoid contamination of the products or raw materials, depending on their nature. and the collection system used.

Article 215: It is understood by food establishment of any kind for the purposes of this law and its regulations, any place or permanent premises, or seasonal, intended for the preparation, handling, possession, trade and supply of food.

Article 216: Any person, natural or legal, who wishes to install a food establishment must obtain the corresponding permit from the Ministry, and must certify that it has sanitary adequate location, installation and operation conditions. In the case of food product factories, industrial food establishments, such as processing plants, slaughterhouses, refrigerators, or public or private markets and the like, the interested parties must attach to their request the plan of the physical plant of the premises, of its operating facilities and the specification of the equipment and procedures that will be used in the execution of the corresponding tasks; all previously approved by the competent professional(s) incorporated into the respective college as established by the Regulations.

Article 217: The owners or managers of food establishments, installed and in operation, must request permission to proceed with the modification of their establishment.

Article 218: The competent authorities are prohibited from granting commercial or industrial patents or any kind of permit to food establishments that have not previously obtained the corresponding installation health authorization issued by the Ministry.

The establishment of fixed or temporary stalls for the preparation or sale of food in streets, parks or sidewalks, or other public places, is prohibited, with the exception of sales at duly authorized fairs in accordance with the corresponding regulatory provisions.

Article 219: The owners or administrators of food establishments, who have obtained the installation permit, may start their operation once they prove to the Ministry that they have complied with the requirements imposed to grant such permission and must indicate the person

who will be responsible for the sanitary operation of the establishment and the control of the health of the personnel.

Said person will be jointly and severally liable with the owner for legal and regulatory infractions committed in the establishment. Food factories must have suitable professionals, incorporated into the respective College, in order to guarantee purity, process control and quality control of the products produced in accordance with the corresponding regulations.

Article 220: Any natural or legal person that imports, prepares, packs, handles or packages food must have a suitable person in the opinion of the health authority, who will be jointly and severally responsible with that person, for the identity, purity, good preparation, dosage and food preservation.

Article 221: Establishments dedicated to the slaughter or butchering of animals and the industrialization of meat foods of the different species, destined for the consumption of the population, must also have a veterinary medical inspection approved by the Ministry.

Factories and plants that manufacture products of animal origin are subject to the same requirement.

Article 222: The permit to operate a food establishment will be valid for one year, unless its conditions, or its operation, or the infractions that are committed, warrant the early cancellation of the permit or the closure of the establishment to protect the health of the public or employees.

Article 223: All manufacturers of food products must use raw materials that meet sanitary conditions in their preparation.

Therefore, the use of materials, products or by-products that contain decomposed, toxic or foreign substances that cannot be eliminated, of meat and by-products that come from animals slaughtered in unauthorized places and in an illegal manner and, in In particular, the reincorporation into the production of aged, adulterated, contaminated or suspected of being contaminated foods or that have been returned by the trade.

Article 224: The manufacturers or industrialists of food products are obliged to declare the origin of the raw materials they use in the manufacture or industrialization of their products when the regulations indicate it or the Ministry so requires.

Article 225: The preparatory and manufacturing operations of the food product, as well as those of packaging, conservation, transport and storage of the finished product must be carried out hygienically and in a way to ensure its protection from contamination, infestation or deterioration and from the development of risks to people's health, among others the presence of toxic or dangerous residues from the different operations to which it was subjected.

Article 226: All food producers or manufacturers must comply with the provisions that the Ministry decrees ordering the enrichment or comparison of certain foods, in order to supply the absence or insufficiency of nutrient foods in the usual diet of the population.

Article 227: Food producers and manufacturers may only use additives that have been authorized by the Ministry, in amounts that do not exceed the maximum permitted tolerances and whenever they are necessary for the proper preparation or conservation technique.

The usual ingredients used in the preparation of food are not included in this provision.

Article 228: People interested in using new additives in the production or processing of food must request authorization from the Ministry, complying with the regulatory requirements and in any case such authorization may not be granted when the additive has actual or potential toxicity or when it interferes with important and unfavorable way with the nutritional value of food.

Article 229: All processed food that is sold, distributed or stored in the country must come from a legally authorized and operating food establishment approved by the health authority.

The trade or distribution of meat and derivatives from premises or establishments not authorized by the health authority or that operate without veterinary inspection is especially prohibited.

Article 230: The competent authorities and the natural and legal persons who order a food auction must request prior permission from the health authority and this permission will be granted only when the nature and state of the food and the conditions in which the auction is carried out auction, do not imply danger to the health of the purchasers or third parties.

Article 231: Educational establishments, hospitals, nursing homes and the like, public or private, are subject to the control of the Ministry regarding the facilities and procedures used for the preparation and supply of food and regarding the quality of the diet provided to their consumers.

Article 232: Food handlers must observe careful personal cleanliness and in order to work in food establishments they must undergo health examinations and preventive and prophylactic measures that the Ministry declares necessary.

Article 233: It is understood by food handler, for legal and regulatory purposes, any person who applies their manual work directly or through instruments or artifacts to the preparation, conservation, packaging, distribution, sale or supply of food.

Article 234: Container is understood, for legal and regulatory purposes, as any container used to contain food intended for sale or distribution, including the materials used for wrapping. Sign or label is understood as any tag, descriptive graphic or written inscription, relative to the food contained in the container it accompanies.

Article 235: The materials used to package food must not transmit unpleasant or dangerous substances to the product beyond the limits tolerated by regulation or be likely to be affected by the product they contain.

Article 236: Any person, natural or legal, who stores or transports raw materials for the preparation of food or food products, whether as a main activity, incidental or as part of their production or commercial activities, must take care that the containers are adequate and that both storage and transport are done avoiding contamination, alteration or infestation of raw materials and food products, preventing their adulteration and preventing the deterioration of containers or packaging.

Article 237: Any advertising that attributes therapeutic properties to food or that misleads or deceives the public as to the nature, quality, properties or origin of food is prohibited.

Article 238: The owners, administrators, managers and managers of food establishments must allow the entry of health officials, duly identified, at any time, to carry out the inspections that need to be carried out in order to control the local hygienic and sanitary state. ; of its facilities and equipment; the state of health and hygiene of the staff and

the conditions in which the different operations are carried out. They must also allow the taking of the necessary samples to establish the identity, quality and condition of the food or food products with the right to demand from the official the corresponding receipt and the counter sample when appropriate.

Subject to these provisions, in the same terms, are persons who transport food in terms of their vehicles and transitory storage places.

SECTION IV
OF THE DUTIES AND RESTRICTIONS TO WHICH THE PEOPLE IN THEIR ACTIONS AND OPERATIONS RELATED TO TOXIC AND HAZARDOUS SUBSTANCES

Article 239: No person, natural or legal, may import, manufacture, handle, store, sell, transport, distribute or supply toxic substances or products and dangerous substances, products or objects of a radioactive, oxidizing, flammable, corrosive, irritant or other nature. declared dangerous by the Ministry, with risk or damage to the health or life of people and evidence strict compliance with the regulatory or special requirements that the Ministry may dictate to prevent such risk or danger.

Article 240: Any person, natural or legal, dealing with the importation, manufacture, handling, storage, sale, distribution and transport and supply of toxic substances or products, dangerous substances or substances declared dangerous by the Ministry, must ensure that such operations are carried out under conditions that eliminate or reduce as far as possible the risk to the health and safety of people and animals that are exposed to that risk or danger due to their work, possession, use or consumption, as appropriate.

Article 241: The sale and supply of toxic substances or products or dangerous substances or products or objects or others declared as such by the Ministry without strictly complying with the pertinent regulatory provisions and especially those related to mandatory registration when appropriate is prohibited. and with the mandatory content of the labeling that must accompany the product itself, its containers and packaging and in which of the product, its risks, its contraindications and the corresponding antidotes must be indicated in Spanish and with the pertinent symbols. proceed.

Article 242: It is prohibited to sell or supply, under any title, substances, mixtures of substances, products or objects that are toxic, dangerous or

declared dangerous by the Ministry, minors or mentally incapacitated people.

Thus amended by Law No. 6430 of May 15, 1980, published in La Gaceta No.

Article 243: The importation and acquisition of explosives by persons who do not justify their use is prohibited, and in any case their storage in private homes or in places that do not meet the security conditions required by regulation or by provision of the Ministry is prohibited.

Article 244: Natural and legal persons who import, manufacture, handle, store, transport, trade, supply or apply substances, mixtures of substances or products called pesticides by the plant health law, will be subject to the regulatory provisions that the Ministry dictates in common agreement with the Ministry of Agriculture for the protection of people's health in accordance with that law. Interested parties must register all pesticides or products intended for the control or extermination of the facilities and request prior permission to operate when such substances, mixtures of substances or products that due to their nature or use are not included in the aforementioned law are capable in some way of produce poisoning or serious damage to the health of people or animals useful or harmless to man.

Article 245: Individuals or legal entities engaged in pest control may operate only with the permission of the Ministry using substances, mixtures of substances, products and mixtures of products authorized by the Ministry and subject to technical standards. from, in order to avoid accidents or damage to the health of the people who perform such tasks or third parties.

Article 246: Every person, natural or legal, of public or private law, will be subject to the control of the Ministry and to the measures and practices that it orders, within its competence, in order to protect people from pollution from light. ultraviolet and ionizing radiation emitted by devices specially designed to produce them or natural or artificial radioactive substances to which they are exposed during their professional activities and occupations; as a result of medical treatments; accidentally, or by living in the vicinity of an establishment that uses radioactive substances in its operations.

Article 247: Without prejudice to the powers of other competent authorities in the matter, any person who deals with the importation, installation, manufacture or repair of apparatus or equipment designed to emit radiation and the importation, trade, handling and use of substances natural or

artificially radioactive, both intended for industry or industrial research, or non-medical science, must be registered in the respective register of the Ministry.

Article 248: No person may install or use devices or equipment for the production of ultraviolet light and ionizing radiation or naturally or artificially radioactive substances, in industry or in non-medical industrial or scientific research without obtaining a license from the Commission of Atomic Energy, prior approval of the Ministry, which will be granted only once it is proven that the establishment in which it will operate has the installation conditions and security means appropriate to the type and magnitude of the operation to protect the health of its personnel. ; avoid the diffusion of such radiations to the outside; prevent accidents and to discharge their waste or residues in such a way that they do not constitute a direct or indirect source of atmospheric, water or soil contamination, nor elements of risk for the neighboring population.

Article 249: Persons, natural or legal, who transport radioactive substances mainly or incidentally to their activities, must do so in appropriate containers, packaging and vehicles, using the international symbol that warns of the presence of radioactive or ionizing substances and strictly complying with the regulatory requirements or those imposed by the Ministry in order to protect the health of the operators and prevent accidents that endanger the community or that produce the contamination of other goods transported simultaneously.

Article 250: Individuals or legal entities that import, trade, distribute, transport or use devices, equipment and substances that produce ionizing radiation, will be subject to the control and restrictive provisions regarding those that the Ministry determines, in Reasoned decree for considering them dangerous for the health of people, in consultation with the Atomic Energy Commission.

Article 251: Manufacturers and importers of clothing, ornaments or other objects that come into direct contact with the human body; of construction materials, appliances or utensils for the home and cleaning materials and toys or objects used for the care of children, are obliged to ensure that such goods do not constitute a danger to the health of people, both due to their structure and form of operation, as well as the materials used in its manufacture and, in any case, must accompany the necessary information regarding its nature, the possible risks that may involve and the instructions for proper use and storage in order to avoid accidents or damage to the health of people derived from the use of such products.

Article 252: In any case, the Ministry, in order to protect people's health, may deny permission to import, manufacture, trade, or supply substances, mixtures of substances, products or mixtures of products that are excessively toxic or capable of causing damage. serious to people or animals useful or harmless to man or objects or goods that could cause repeated accidents or that have been declared dangerous by the Ministry.

It may also order its confiscation or withdrawal from circulation; prohibit the continuation of their importation, trade, application or distribution or order, when appropriate, changes in their composition or structure or in the use of certain raw materials that cause the danger of such goods.

SECTION V
OF THE REQUIREMENTS FOR THE OPERATION OF ESTABLISHMENTS THAT PROVIDE PERSONAL BEAUTY SERVICES, GYMS AND OTHER SIMILAR AND RESTRICTIONS ON SUCH ACTIVITIES

Article 253: The owners or administrators of establishments intended to provide beautification, hygiene or personal cleaning services such as hairdressers, barbershops, beauty salons, gyms and other similar establishments must obtain prior permission for their installation from the Ministry and this will be granted only when the interested parties prove that they have complied with the regulatory requirements, that said Ministry dictates in safeguarding the health of the people who require such services and the personnel of those establishments. No authority may grant patents or installation permits to these establishments without the interested party accrediting having obtained the corresponding approval from the health authority.

Article 254: Any person who operates any of the establishments mentioned in the previous article must maintain the place, the facilities, the equipment and utensils in hygienic and clean conditions in order to prevent them from becoming a source of infection or breeding sites for disease vectors. communicable diseases.

Article 255: It is prohibited to use toxic or dangerous substances, products or cosmetics or medicinal cosmetics not registered and authorized by the health authority in the services referred to in this section.

Article 256: The staff of the establishments referred to in this section must have the regulatory health certificate and must have personal protection measures during their work.

Article 257: Any establishment in which beauty, cleaning or body hygiene services are provided may be temporarily or permanently closed by the

Ministry, when it operates illegally or constitutes a source of infection for communicable diseases or in case of repeated personal accidents in its operations.

SECTION VI
OF THE DUTIES OF THE NATURAL AND LEGAL PERSONS DEAL WITH THE DISSEMINATION OF INFORMATION AND PROPAGANDA AND THE RESTRICTIONS TO WHICH THEY ARE SUBJECT IN HEALTH MATTERS

Article 258: Individuals or legal entities that disseminate or advertise on topics related to people's health or that may influence or affect it, must submit the content of the text to the consideration of the Ministry for its authorization, prior to the diffusion.

Scientific communications and disseminations in this regard that emanate from the Autonomous Institutions of the Health Sector or Professional Associations, are exempt from this authorization.

(*) The constitutionality of this article has been questioned through Action No. 2276_95. Judicial Bulletin No. 186 of September 30, 1996.

Article 259: In case of danger of an epidemic or a declared epidemic, the press, radio, television and all other means of collective communication must collaborate with the health authority in the manner that the Executive Power provides.

Owners or administrators of collective communication media are prohibited from spreading inaccurate news or news that may cause alarm or panic in the population. For these purposes, inaccurate news is presumed to be that which has not been supplied or confirmed by the competent health authority.

Article 260: (*) All propaganda or misleading or ambiguous publicity that may be detrimental to people's health, or that may mislead the public in matters related to its conservation or recovery, is prohibited.

It is considered especially misleading and harmful, for the purposes of this law and its regulations, the propaganda made by any means of communication about:

a) The cure of illnesses through secret, ritual, infallible, time-definite treatments or panaceas for the object. b) The quality, potency or curative efficacy of medicines or the nutritional quality of foods for common or medical use, without due authorization or in disagreement with the authorization obtained or citing false surveys or reports from authorities or research centers.

c) The capacity or power of cosmetics or operating systems
special to modify or maintain the physical appearance of people, without the
due authorization or in disagreement with the authorization obtained.

d) The offer of professional services in health sciences by people without a degree to do so, or not duly authorized to exercise such
professions, specialties or trades.

(*) The constitutionality of this article has been questioned through Action No. 2276_95. Judicial Bulletin No. 186 of September 30, 1996.

Article 261: (*) Every establishment of primary and secondary education, public or private, you must allocate hours of your programs, for the teaching of topics and Mandatory standards relating to personal health and health significance
of third parties.

Likewise, the mass media (press, radio, television and other
unconventional media) are obliged to allocate the necessary space
to include programs related to the teaching of topics and mandatory standards related to personal health and of importance for the health of third parties.

The health and education authorities will prepare and review the teaching programs annually so that health topics are included in them.
whose teaching and dissemination are deemed necessary and scientifically current.

(*) The constitutionality of this article has been questioned through Action No. 2276_95. Judicial Bulletin No. 186 of September 30, 1996.

TITLE III
OF THE DUTIES OF PEOPLE FOR THE CONSERVATION AND CONDITIONING OF THE ENVIRONMENT AND RESTRICTIONS TO WHICH THEY ARE SUBJECT IN THEIR ACTIVITIES FOR THE BENEFIT OF ITS PRESERVATION

Article 262: Every person, natural or legal, is obliged to contribute to the promotion and maintenance of the conditions of the natural environment and artificial environments that allow meeting the vital and health needs of
the population.

Article 263: Any action, practice or operation that deteriorates the natural environment what changing the composition or characteristics intrinsic properties of its basic elements, especially air, water and soil, produce a decrease in their quality and aesthetics, make such goods unusable for some of the uses for which they are intended or create these for health human or for fauna or flora harmless to man.

Every person is obliged to diligently comply with the actions, practices or
Works established by law and regulations intended to eliminate or control the elements and factors of the natural, physical or biological environment and of the environment.
artificial, harmful to human health.

CHAPTER I
OF WATER FOR HUMAN CONSUMPTION AND OF DUTIES AND RESTRICTIONS TO WHICH PERSONS ARE SUBJECT

Article 264: Water constitutes a public utility asset and its use for human consumption shall have priority over any other use.

Article 265: Drinking water is understood for legal purposes and
regulations, which meets the physical, chemical and biological characteristics that make it suitable for human consumption in accordance with the standards of potability of the Pan American Sanitary Office approved by the Government.

Article 266: The country's water supplies must meet the structural and operational requirements established by the technical standards and specifications issued by the Executive Power, in consultation with the National Service of Aqueducts and
Sewerage.

Article 267: All water supply systems, intended for the use and
consumption of the population, must supply drinking water, continuously, in sufficient quantity or to meet the needs of people and with
necessary pressure to allow the correct operation of the artifacts
restrooms in use.

Article 268: All drinking water supply, without exception, is subject to control of the Ministry regarding the quality of water supplied to the population and to ensure that the constituent elements of the system, its operation and state of conservation guarantee adequate and safe supply, and may be intervened by the Ministry if there was danger to the health of the inhabitants.

Article 269: The administrators or managers of all drinking water supplies
They must allow the taking of water samples and the inspections carried out by Ministry officials, duly identified.

Article 270: The construction of private wells and the use of systems
private water supplies for human use and consumption in areas of the country where there is a functioning public aqueduct, must be authorized by the
Ministry in accordance with the respective regulations.

Existing wells upon entry into force of this law may be closed, sealed and kept in reserve when so determined by the Ministry in common agreement with the administration of the National Service of Aqueducts and Sewerage.

Article 271: In the regions of the country, where there are no public supplies of drinking water and while these are established, the inhabitants must use the water supply systems for consumption and domestic use that the Ministry indicates and the local authorities must collaborate. in disseminating information on the methods to obtain or purify the water used for drinking.

Article 272: Individuals or private companies that are responsible for supplying water for drinking or domestic use to a population or isolated residences, to mining or industrial establishments or to any place or premises intended for the transitory permanence of people, in places Where there are no public supplies, you must request permission from the Ministry submitting to the regulatory provisions and special requirements that the administration may make in each case.

Article 273: It is prohibited to contaminate water supplies, as well as to damage, partially or totally obstruct, the drinking water supply systems intended for the population. Contamination of water by the simple fact of adding any foreign thing or element, except those that improve the quality of the water, in scientifically acceptable proportions and for specific purposes in disease prevention, is presumed as a matter of law.

Article 274: Individuals or legal entities must use, in the establishments they own, administer or operate, water that meets the qualities required by the Ministry for the specific type of activities they carry out, especially those related to the production of food or raw materials for food; food manufacturing; the operation of spas, crenotherapy establishments, swimming pools and similar establishments.

Article 275: It is prohibited for any natural or legal person to contaminate surface, underground and territorial maritime waters, directly or indirectly, through drainage or discharge or storage, voluntary or negligent, of residues or liquid, solid or gaseous waste, radioactive or not. radioactive, sewage or substances of any nature that, altering the physical, chemical and biological characteristics of the water, make it dangerous for the health of people, terrestrial and aquatic fauna or unsuitable for domestic, agricultural, industrial or recreational uses.

Article 276: Only with the permission of the Ministry may natural persons or legal entities to drain or discharge solid or liquid residues or waste or others that may contaminate surface water, groundwater, or maritime, adhering strictly to the regulations and security conditions and to the special procedures that the Ministry imposes in the particular case to make them innocuous.

Article 277: Any natural or legal person is prohibited from actions that may produce contamination or sanitary deterioration of the basins hydrographic that serve the establishments of water for the consumption and use human.

CHAPTER II
OF THE OBLIGATIONS AND RESTRICTIONS RELATIVE TO THE SOLID WASTE COLLECTION AND DISPOSAL

Article 278: All solid waste that comes from activities personal, family or community flows and agricultural, livestock, industrial or commercial operations, must be separated, collected, accumulated, used when appropriate and subject to treatment or disposed of finally, by the responsible people in order to avoid or reduce as much as possible air, soil or water pollution.

Article 279: It is prohibited for any person, natural or legal, to throw or accumulate solid waste in places not authorized for this purpose, use inadequate means for its transport and accumulation and proceed to its use, treatment or final disposal through systems not approved by the Ministry.

Article 280: The garbage collection, hauling and disposal service as well as such as the cleaning of pipes, ditches, sewers, roads and public places will be in charge of the municipalities which may carry it out by administration or through contracts with companies or individuals, which will be granted in accordance with the legal formalities and that require for their validity the approval of the Ministry.

Every person is obliged to use said public service and to contribute financially to its financing in accordance with the relevant legal and regulatory provisions.

Article 281: Agricultural, industrial and commercial companies must have a system of separation and collection, accumulation and disposal disposal of solid waste from its operations, approved by the Ministry when due to the nature, or quantity of these, the use of the public system is not sanitary acceptable or when it does not exist in the locality.

Article 282: The owners of unoccupied land in urban areas are obliged to keep them closed and in good hygienic conditions.

They will also be obliged to carry out the practices or works, within the period ordered by the health authority, when such land constitutes a source of environmental contamination.

Article 283: The recovery of waste and solid residues in places not approved by the health authority for such purposes is prohibited.

Persons, natural or legal, who deal with the recovery, use, trade or industrialization of such materials, must request prior permission from the health authority and it may grant it, when it is verified that the selection, collection and use of waste and residues do not imply the danger of contamination of the environment or risks to the health of the people who work in such tasks or of third parties.

Article 284: The authorization referred to in the previous article will last one year and may be canceled at any time, when the holder does not comply with the relevant regulatory provisions or does not carry out the practices and special works that the health authority imposes as necessary requirements. to protect the health of people, or the sanitation of the operation.

CHAPTER III
OF THE OBLIGATIONS AND RESTRICTIONS FOR EVACUATION
SANITARY OF EXCRETES AND SEWAGE AND BLACK WATERS

Article 285: Excreta, sewage, sewage and rainwater must be disposed of properly and sanitary in order to avoid contamination of the soil and natural sources of water for human use and consumption, the formation of vector breeding sites and diseases and air pollution through conditions that threaten its purity or quality.

Article 286: Every person, natural or legal, is obliged to carry out the drainage works that the health authority orders in order to prevent the formation of unhealthy and infection foci, or to clean up those that exist on their property.

If the owner is reluctant to comply with such orders, the health authority may do so at the expense of disregard.

In cases in which the public interest, the nature and scope of the drainage works justify it, all property owners are obliged to constitute

easement in favor of the State so that the health authority builds such works, and the expropriation of the land may be decreed when the easement is incompatible with its use.

The maintenance and operation, if applicable, will be the responsibility of the beneficiaries of such works.

Article 287: Any person, natural or legal, owner of homes or establishments or buildings in which people carry out their activities, will be responsible for the fact that such property has a system for the disposal of excreta and sewage and sewage approved by the Ministry and Users of homes, establishments or buildings will be obliged to maintain said system in good working order.

Article 288: Every owner is obliged to connect the sewage and sewage excreta disposal system of his property to the sanitary sewer system in the places where it is in operation, except in exceptional cases that the pertinent regulations recognize as appropriate.

Article 289: Every sewage system will be under the technical control of the Ministry and the National Aqueduct and Sewer Service and the private or public persons who build, manage and operate them will be subject to the rules that the Executive Power, in consultation with the National Service of Aqueducts and Sewerage, dictates to condition its construction, operation and the evacuation and final treatment of the fluents.

Article 290: Any person is prohibited from destroying or damaging public or private drainage systems or obstructing their operation.

Article 291: It is prohibited to discharge industrial and health establishment waste into the sanitary sewer system without prior authorization from the health authority and without complying with the instructions that it may order to make it harmless, in order to prevent any damage to the drainage system, o avoid contamination of water sources or courses; of the soil and the air, or any other risk to human health arising from the inadequate final evacuation of the drains.

Article 292: It is prohibited, in any case, the discharge of black water, sewage and industrial waste, to the storm sewer. The Ministry is empowered to restrict, regulate, or prohibit the disposal of non-biodegradable synthetic products through excreta, sewage, and sewage collection systems.

CHAPTER IV
OF THE DUTIES AND RESTRICTIONS TO WHICH THE PEOPLE TO AVOID ENVIRONMENTAL CONTAMINATION

Article 293: Every person, natural or legal, is obliged to use the maximum of their diligence in compliance with the legal and regulatory provisions or special orders ordered by the competent authority, in order to avoid or control atmospheric pollution and the environment. environment of places intended for housing, work or recreation.

Article 294: For legal and regulatory purposes, contamination of the atmosphere is understood as the deterioration of its purity due to the presence of contaminating agents, such as solid particles, dust, smoke, steam, gases, radioactive materials and others, which the Ministry defines as such, in concentrations higher than those allowed by internationally accepted air purity standards and declared official by the Ministry.

Air pollution is estimated, for the same purposes, the presence of emanation or bad odors that affect the quality of the environment, harming the well-being of people.

It will also be considered as air pollution, the emission of sounds that exceed the internationally accepted standards and declared official by the Ministry.

Article 295: It is prohibited for any person, natural or legal, to discharge, emit or emanate atmospheric pollutants of a prohibited nature and proportions, resulting from their personal, domestic, industrial, commercial or any other activities that cause or contribute to the atmospheric pollution.

Article 296: Every owner or administrator of a construction or building will be responsible for the property having the means and systems to prevent discharges, emissions that cause or contribute to atmospheric pollution.

Manufacturers and sellers of personal property or artifacts that by their nature, construction or use may produce discharges or emissions that cause or contribute to air pollution, must include in these personal property, a system specifically designed for the control of emissions, in accordance with internationally accepted standards.

In any case, as long as the manufacturers and importers of such goods are subject to compliance with the requirements and restrictions that the Ministry imposes, in order to avoid or reduce atmospheric pollution.

In the same way, the owners of such personal property, especially motor vehicles, are obliged to maintain and use them in order to avoid or reduce air pollution.

For full compliance with the provisions of this article, the Ministry will make periodic determinations of the quality of fuels whose use may produce or contribute to atmospheric pollution.

Article 297: The operation of any factory or industrial or commercial establishment in buildings that do not have the necessary elements or systems to prevent the discharges, emissions, emanations or sounds resulting from such industrial or commercial activities from causing or contributing to the atmospheric contamination of the region in which they are located and that do not have in the organization of their activities or tasks, elements or systems to avoid contamination of the internal environment with risk or danger to the health and well-being of their personnel and third parties .

CHAPTER V

OF THE DUTIES AND RESTRICTIONS TO WHICH THEY ARE SUBJECT INDUSTRIAL ACTIVITIES

Article 298: Any person who operates industrial establishments must obtain the corresponding authorization from the Ministry for their installation and the due approval of the latter to start their operation, as well as to expand or vary, or modify in any way the original activity for which it was authorized.

Article 299: No authority may know patents or permits for the operation of industrial establishments, without prior operating authorization from the Ministry.

Article 300: In order to obtain installation authorization, the interested parties must certify to the Ministry that the chosen site is in a permitted area according to the corresponding regulations in force, that it has basic sanitation elements and that it has the appropriate sanitary elements or systems. for the elimination of waste, residues, or emanations, in order not to cause or contribute to the contamination of the soil and water intended for human use and consumption, nor of the air, and not to constitute a health problem or nuisance for the population.

In the absence of a regulatory plan for urban development, the Ministry will determine the zones permitted for industrial establishments, the authorization to be referred to in this article, may be cancelled, suspended or modified, as the case, temporarily or permanently, when the conditions existing at the grant it.

Article 301: It is understood by industrial establishment, for the purposes of the this law and its regulations, any discovered or covered place destined for the transformation, manipulation or use of natural products, or to the elaboration, manipulation, transformation or use of artificial products by physical, chemical or biological treatment, manually or by means of machines or instruments.

Are included in such consideration for the same purposes mentioned above, the sites intended to receive or store artifacts, instruments or utensils, materials and raw materials that will be used in the tasks or tasks and all the annexes of the factory or workshop. Likewise, they will be considered as such transportation stations and terminals.

Article 302: No industrial establishment may function if it constitutes a element of danger, unhealthiness or inconvenience for the neighborhood, either by the conditions of maintenance of the premises in which it works, for the form or systems it uses in carrying out its operations, for the form or system it uses to eliminate waste, residues or emanations resulting from their work, or due to the noise produced by the operation.

Article 303: The owners or administrators of industrial establishments must diligently comply with all the technical standards that the Ministry itself or in accordance with the Ministry of Labor, dictate to protect the health of their personal.

Article 304: The establishments Industrial items, that work unlawfully or that constitute danger, discomfort or unhealthiness for their staff or the neighborhood, they may be closed by the health authority and in any case, their owners and administrators are obliged to comply with the orders or instructions that the health authority orders to end or mitigate the unhealthiness or inconvenience that they produce due to their operation, and must suspend such operation until they have met the requirements regulations or those required by the Ministry.

Article 305: All work camps and rural farms must be provided with the elements of basic sanitation to protect the health and well-being of its workers and to avoid the constitution of sources of infection, or of environmental pollution.

Article 306: Work camp is understood as any facility designed to house workers of agricultural, mining or livestock operations or of public or private works under construction.

Article 307: Every natural or legal person is subject to the technical standards that the Ministry dictates, establishing the basic sanitation conditions of work camps and farms. In any case, no person may start the construction of facilities intended to be used as labor camps without the authorization of the Ministry.

CHAPTER VI
OF THE DUTIES AND RESTRICTIONS RELATED TO THE URBANIZATIONS AND HEALTH OF THE HOUSING

Article 308: In the formation of new cities or towns and the opening of new streets, these may not be traced or oriented without the approval of the Ministry.

It will also not be possible to build buildings in the new streets if the necessary sanitation works have not been previously done, such as the construction of drains, sewers, installation of drinking water pipes and fillings or leveling of the land to avoid water stagnation. of any kind.

Without prejudice to the powers of other authorities or competent entities in the matter, any person who deals with the urbanization of land and the construction of buildings for housing, must comply with the provisions of the sanitary regulations that the Ministry dictates on the matter. in protection of people's health.

Article 309: Individuals, natural and legal, who deal with the urbanization of land must present the corresponding preliminary project to the competent health authority for prior study and may only begin their work once the final project has been approved.

Approval will be granted if the urbanization project is located in an area permitted by current regulations or, failing that, by the Ministry and has adequate sanitary systems for the supply of drinking water, drainage of rainwater, disposal of excreta, sewage and sewage.

Article 310: The construction of houses in new urbanizations or subdivisions of larger properties whose services and sanitary systems do not comply with the legal provisions and regulations in force is prohibited.

Article 311: The same rules established in the previous articles will apply to the formation of new cities or towns.

Article 312: Every person will require permission from the Ministry to proceed with the construction, repair or modification of any building intended for permanent or temporary housing of people and such permission will only be granted when they prove, with the respective plans, that they will comply to the sanitary regulations issued by the Executive Power, regarding the requirements that the building must meet, according to its nature and destination, in order to protect the safety and health of its inhabitants.

The buildings referred to in this article may not be occupied, in whole or in part, without the prior authorization of the Ministry.

Article 313: All individual, family or multi-family housing must comply with the following health requirements:

1. Location in areas that do not offer danger to the health and well-being of the occupants.
2. Appropriate orientation, in order to take advantage of the natural and artificial circumstances of the environment, for the benefit of the health and well-being of the occupants.
3. Construction with adequate materials that offer stability, safety and good sanitary conditions.
4. Adequate interior distribution, in order to make it functional and suitable for use for which it is intended.
5. Minimum dimensions and adequate compartment areas.
6. Adequate natural and artificial lighting.
7. Adequate natural or artificial ventilation.

7 Basic sanitation means:

a) Continuous supply of drinking water, in sufficient quantity and pressure, accessible to all occupants.

b) Appropriate excreta, sewage, sewage and rainwater disposal systems approved by the health authority.

c) Minimal primary sanitary devices.

Article 314: Every person has the obligation to ensure the hygiene and safety of his or her personal or family home and must carry out the special cleaning, disinfection and disinfecting practices that may be necessary, taking care to comply with the instructions and orders that the authority gives for such purposes. health authority.

You can therefore resort to specialized health services to request information about the most appropriate systems and means to proceed in good shape and without danger to people, or request, when prudent, that the disinfection, disinfection or destruction of rodents or other harmful animals is practiced by the aforementioned services.

Every person, in addition, must keep the garbage in his house in a hygienic manner until it is delivered to the collection services and must take care that the drinking water services and the disposal of sewage and sewage are kept in good working order.

Article 315: The owners and administrators of housing and rental premises are obliged to provide their properties with the conditions, facilities and services required by the regulatory health standards in order to offer tenants and occupants, health conditions and adequate security.

Article 316: When the health authority orders it, the owners, administrators or managers, will proceed to disinfect, disinfect, deratize or repair, as appropriate, the buildings intended for permanent or temporary housing, including annexes and interior patios, which by its state or condition threatens the health or safety of its inhabitants. The property affected by any of these ordered sanitary measures may not be occupied until its defects have been remedied or the risk to the health and safety of the occupants has disappeared and may be closed by the health authority if the danger is imminent. .

Article 317: No authority may grant permission or patent to the owners or administrators of any premises or establishment intended for temporary or permanent housing of people, such as hotels, pensions, inns, boarding schools and the like that do not meet the requirements demanded by the regulations. health measures issued by the Executive Power.

The administrators or managers must maintain the building in good safety and sanitation conditions and such establishments may not operate if they do not meet the minimum requirements established for housing.

Article 318: Every tenant or user of a property under any title, will be responsible for its state of cleanliness, preventing it from becoming a source of infection or a breeding ground or shelter for harmful fauna and is obliged to care for and make good use of the health facilities and services of the occupied property.

Article 319: When a property is constituted, due to its condition or state, in danger to the health or safety of the occupants or neighbors, the health authority may order the owner to carry out the necessary works or take the measures that may be necessary within of the peremptory period established and if the person responsible does not do so, the health authority may directly execute the corrective action at the expense of the deceased.

Article 320: They will be declared uninhabitable by the health authority of the rooms and buildings that, due to their dilapidated state or because there is a permanent source of infection in them, constitute a danger to the health and safety of their inhabitants or their neighbors.

In the same way, those that do not meet the requirements indicated by the sanitary and construction regulations will be declared unhealthy.

Article 321: When a room or building is described as uninhabitable or unhealthy, the owner or manager will be notified, setting a deadline within which to proceed with the eviction, demolition or repair, as the case may be.

If the given order is not complied with, the residents or those who remain in the house, building or premises will be evicted, by means of the civil guard if necessary, and it will be arranged that these be closed by the same guard, or that carry out repairs or demolition by the Ministry.

CHAPTER VII
REQUIREMENTS AND RESTRICTIONS FOR CONSTRUCTION AND OPERATION OF OTHER ESTABLISHMENTS OF HEALTH INTEREST

SECTION I

Article 322: Buildings or facilities, not intended for housing, but that are occupied by people permanently, as in the case of offices or other similar or temporarily, as in the case of churches, places of recreation, leisure or fun and other similar, must have the regulatory health and safety conditions that guarantee the health and well-being of their attendees or occupants of the neighborhood.

Article 323: Any private or public company or person who wants to start a building of those mentioned in the previous article or who wants to allocate an already built one for the same purposes, must request prior permission from the Ministry.

At the end of the work and before occupying it or taking office, you must prove to the health authority that it has all the requirements demanded by the technical standards issued by the Ministry.

Responsible persons must keep them in good safety and sanitation conditions while on duty.

Article 324: Any person, natural or legal, that operates swimming pools, recreation sites, similar, indoors or outdoors, public baths or crenotherapy establishments, must require prior permission from the Ministry for their installation.

Without this authorization, no authority may grant a commercial patent or other permits required for its operation. Nor can it be allowed to open to public service without proper approval to operate, granted by the Ministry.

The authorization will be granted for two years unless malfunctions or repeated infractions endanger the health of the attendees or turn them into sources of infection, warrant its closure or the temporary suspension of its activities.

Only swimming pools located in private homes for the use of household members are excluded from this obligation.

Article 325: In any case, the health authority may close any building or facility referred to in this chapter, when it constitutes a danger to public health or the well-being of its occupants, visitors or neighbors.

Article 326: The owners or administrators of such buildings, facilities or establishments are responsible for the sanitary infractions that are committed, who are obliged to comply with the special technical measures that the health authority indicates to them, in order to prevent those buildings , facilities or establishments become a source of infection or environmental unhealthiness or danger to the health of those who come to work in them.

SECTION II
OF CEMETERIES, INHUMATIONS AND BODY EXHUMATIONS

Article 327: The owners and administrators of cemeteries are obliged to maintain them in hygienic and healthy conditions and to comply with the pertinent regulatory provisions.

Article 328: Natural and legal persons who operate funeral homes must request permission from the health authority for the purposes of their installation and operation.

Article 329: The burial and cremation of corpses and human remains may only be carried out in cemeteries and crematoriums, respectively, authorized by the health administration and prior compliance with all regulatory requirements.

The exhumations of corpses must likewise be authorized by the competent health authority, except when proceeding by court order.

Article 330: No corpse may remain unburied for more than thirty-six hours counted from the date of death unless the health authority authorizes or orders it, or there is a need to carry out some judicial procedure, or it is found in duly conditioned facilities. for its preservation.

The health authority may order the burial within a shorter period when the circumstances and the cause of death make it appropriate.

CHAPTER VIII
OF THE DUTIES OF PEOPLE RELATED TO THE CONTROL OF FAUNA HARMFUL TO MAN

Article 331: Every person is obliged to avoid or eliminate the favorable conditions for the persistence or reproduction of the species of fauna harmful to man in the assets of their property or in their care.

You must also proceed to the extermination of these animals adhering to the standards ordered by the Ministry and using approved products or the services of persons authorized by the health authority for such purposes.

Article 332: Only persons, individuals or legal entities, duly authorized by the health authority may engage in the commercial extermination of fauna harmful to man and to obtain such authorization they must prove that they have trained personnel, adequate equipment and that the products or mixtures of products and the methods used are those approved by the Ministry, ensuring the protection of its personnel.

Article 333: The authorization that the Ministry grants will last one year, after which the interested parties may renew it, unless the infractions they have committed or repeated accidents warrant its cancellation at any time.

Article 334: Every person is obliged to allow duly identified health officials to enter their home or their building.

property or care, to check for harmful animals, or conditions for their reproduction and persistence, or to proceed with its extermination if any.

It is also obliged to comply with the practices or the execution of the works that the Ministry orders to avoid the presence and persistence of harmful specimens.

Article 335: All owners or administrators of agricultural farms in zones must have antiophidic serum in the form and conditions that determined by the Ministry.

Article 336: Every person is obliged to obtain the corresponding permit of the Ministry to maintain nurseries or farms for animals for experimental or scientific or for any other purpose for which you must certify that the premises have adequate sanitary and safety conditions.

BOOK II
OF THE HEALTH AUTHORITIES, OF THEIR ATTRIBUTIONS AND CERTAIN SPECIAL MEASURES

CHAPTER I
OF THE HEALTH AUTHORITIES AND THEIR ATTRIBUTIONS

SECTION I
OF THE HEALTH AUTHORITIES AND THEIR ORDINARY ATTRIBUTIONS

Article 337: The health authorities will be exclusively responsible for application and control of compliance with the provisions of this law and of its regulations, without prejudice to the powers and obligations that laws grant and impose on other public bodies within their respective fields of action.

Article 338: For all purposes of the application of this law and other pertinent health or sanitary laws and their regulations, the following shall be considered health authorities: the Ministry of Public Health and the officials of its dependency in positions of General Management, Management or Head of Divisions or Medical Departments or Health Technicians or geographical health area, as well as those that by special laws have such quality and attributions.

Article 339: The aforementioned authorities may delegate to officials of its dependence, for the best service and application of the provisions of this law and its regulations, specific attributions related to his position.

Article 340: The health authorities within the powers conferred by this law and its regulations and in accordance with the competence and jurisdiction that

assigned by the organic regulation of the Ministry, they may issue resolutions ordering measures of a general or particular nature, as appropriate, for the best application and compliance.

Article 341: They may also, within the powers and jurisdictions mentioned, order and take the special measures enabled by this law to avoid the risk or damage to the health of people or that these are spread or aggravated and to inhibit the continuation or recidivism in the infraction of individuals.

Article 342: It will also correspond to the Minister to dictate the technical health standards to which natural or legal persons of private or public law must adhere in the matters that this law requires.

Article 343: Any public, semi-public or private institution or establishment that carries out health actions, be they for the promotion, conservation or recovery of health in people or for the rehabilitation of the patient, is subject to the technical standards that the Ministry dictates within its powers. and the control and technical supervision of the health authorities.

Article 344: The public or semi-public bodies of decentralized or decentralized administration to any degree that administer public interest services such as the supply of drinking water, sewerage and solid waste collection or others that, due to the nature of their functions, may seriously affect or damage the health of the population, due to technical inefficiency or insufficient services.

Article 345: Without prejudice to the other powers inherent to his position, it is especially the responsibility of the Minister in representation of the Executive Branch:

1.Declare the state of danger of an epidemic and determine the areas of endemic or infected by communicable diseases in the country.

2.Declare which communicable diseases and zoonoses are mandatory reporting.

3. Declare mandatory vaccination against certain diseases as well as certain tests or practices that are deemed necessary to prevent or control diseases.

4. Declare free sale or subject to restriction in their importation, sale, administration, prescription, labeling or advertising the medicines that it deems appropriate.

5. Authorize imports of narcotic drugs and psychotropic substances capable of producing physical or mental dependence in people and limit their quantities in accordance with the needs of the country and the international conventions ratified or signed by the Government.

6.Declare international health standards adopted when they do not require legislative approval.

7. Declare toxic or dangerous and subject to restriction, substances, products or material goods that constitute a risk or danger to people's health.

8. Dictates, in common agreement with the Ministry of Agriculture, the protection regulations against the dangers to the health of people and animals that are not harmful to man and against the contamination of the environment that derives from the use, in plant health, of toxic or dangerous substances.

9. Dictate the protection standards against ionizing radiation contamination of people and the environment with the advice of the Atomic Energy Commission.

10.Determine with the Ministry of Labor the technical standards on occupational diseases to protect the health of workers.

11. Determine, in common agreement with the corresponding Professional Associations and the University of Costa Rica, standards for the exercise of professions in health sciences, for the compulsory medical service or others that are established, and for clinical, therapeutic and scientific medical research in Humans.

12.Determine, in common agreement with the corresponding organisms, the nutrition policy of the population and the necessary measures to supplement the diet when appropriate.

13. Dictate, hearing the criteria of the National Institute of Housing and Urbanism, the health standards for housing and other housing and work establishments.

SECTION II
OF INSPECTIONS AND OTHER PROCEDURES

Article 346: For the purposes of carrying out the effective control of compliance with the provisions of this law and its regulations, of complementary resolutions that the health authorities issue within their powers, officials dependent on the Ministry, duly identified, may make inspections or visits to practice sanitary operations, collect

samples or collect data or evidence, in buildings, homes and industrial and commercial establishments and in any place where violations of the laws and regulations and resolutions referred to could be perpetrated.

Such procedures must be carried out during the day, between six and eighteen hours, and individuals are obliged to provide them immediately. The time limitation will not apply to inspections related to the control of food, narcotics, hallucinogens and psychotropic substances capable of producing, due to their use, psychic or physical dependence.

Article 347: In the event that persons, individuals or legal entities, prevent entry or access to places or buildings or interfere with the actions of officials or refuse to deliver samples and records, the health authority may request the judicial authority the search warrant, which must be issued within twenty-four calendar hours of request.

The officials of the Ministry to whom such diligence is entrusted, will carry out the search and must abide by the pertinent legal provisions and the administrative and technical provisions of the Ministry's procedures.

The purpose of the search will be to carry out only the specific diligence for which it has been requested by the health authority and the officials who comply with it will be liable for any unnecessary damage caused by their actions or by the excess of their functions.

Article 348: The health authorities may request the assistance of the public force and other administrative authorities, to carry out the actions inherent to their charge for which they have been specially commissioned.

Article 349: The officials of the Ministry, who hold inspection positions that have been specially commissioned to verify infractions of this law or its regulations, will have the character of health authority, will have public faith regarding the complaints made against natural persons. or legal for facts or acts that involve violation of such provisions or that constitute a crime. The Agricultural Quarantine Inspectors of the Ministry of Agriculture and Livestock will have this same character.

SECTION III
OF THE TAKING OF SAMPLES

Article 350: Officials of the Ministry and Agricultural Quarantine Inspectors of the Ministry of Agriculture and Livestock, duly identified, adhering to current administrative regulations and operations and trying, in any case, to avoid unnecessary damage or inconvenience, may remove from places The necessary samples have been inspected, upon receipt, to control compliance with the provisions of this law and its regulations.

Article 351: Every person is obliged to deliver, in the form established by the pertinent regulations, the necessary samples to carry out the analyzes that are technically required for the adequate protection of the health of the people and as evidence for the judgment of the violations of health laws and regulations.

Article 352: Natural and legal persons, in order to obtain permits for the importation, sale or distribution of food and medicine or others, which require prior analysis for their granting, must submit the samples that are technically necessary to carry out such analysis, in the form and to whom the health authority determines.

SECTION IV
OF OFFICIAL LABORATORIES AND ANALYSIS

Article 353: Official laboratories are declared for the purposes of carrying out the analyzes that are technically necessary, those of the Ministry. These laboratories may in turn use the facilities of equipment, personnel and technical advice of other laboratories, when they deem it appropriate, with the prior permission.

The results of the analyzes given by official laboratories will be definitive for the granting and cancellation of permits, authorizations and registrations and in judicial matters constitute evidence in accordance with the pertinent laws.

Article 354: The official laboratory will set the minimum standards and guidelines of the technical procedures to which the country's clinical and bromatological laboratories must adhere. It is also responsible for establishing the minimum standards and procedures to ensure correct sampling, being able to reject any sample that is submitted for analysis if it does not give assurance of its quality or is insufficient to carry out the analysis or if it has been taken in non-compliance with technical standards.

CHAPTER II
SPECIAL MEASURES

Article 355: Taking into account an effective protection of the health of the population and individuals, the competent health authorities may decree by their own authority, measures whose purpose tends to avoid the appearance of dangers and the aggravation or diffusion of the damage, or the Continuation or recidivism in the perpetration of legal or regulatory infractions that threaten people's health.

Article 356: Special measures are declared, for the purposes indicated in the previous article, retention, withdrawal from trade or circulation, confiscation, denaturation and destruction of material goods, demolition and eviction of homes and other buildings. intended for other uses, the closure of establishments; the cancellation of permits; the order of stoppage, destruction or execution of works, as appropriate; the isolation, observation and hospitalization of people affected or suspected of being affected by communicable diseases; mandatory reporting; the isolation or sacrifice of animals affected or suspected of being affected by epizootics of mandatory reporting.

Article 357: The measures referred to in the previous article may be ordered directly by the health authorities or may occur as ancillary to the sanctions applied for the infraction and without prejudice to the civil or criminal responsibilities of those responsible.

Article 358: The retention consists of keeping under prohibition of transfer, use or consumption, in safe conditions and under the seals of the health authority, goods of dubious nature or condition with respect to which there is a history to estimate their harmful use or consumption. or dangerous to health while the corresponding tests are carried out to determine their nature or condition.

The same measure may be applied to assets that have served as instruments or means for actions or events that may constitute an infraction, while a decision is made on their verification.

Article 359: Confiscation consists of the loss of property experienced by the owner in favor of the State of the material goods that have been the cause or instrument of a sanitary infraction or that are harmful or dangerous to the health of people.

The health authorities will proceed, by their own authority, to the seizure of ostensibly deteriorated, contaminated, adulterated or falsified food and medicine. They will also seize narcotic drugs, hallucinogens and psychotropic substances or products capable of producing dependency in people, as well as toxic or dangerous substances, as well as

declared by the health authority when their possession and use are illegal or unregulated.

Article 360: Confiscation may be followed by the denaturation or destruction of assets, as appropriate, according to the nature and seriousness of the offense or the danger that such assets pose to the health and safety of people.

The denaturation will proceed, only when the goods are subjected to the process determined by the health authority and carried out, on behalf of the owner and under the supervision of the authority, they can be used for a different use from the original without there being any danger to the health of the people.

Article 361: If the confiscated assets are useful, they will be delivered to the State health establishments, after the formalities of the case.

Article 362: The withdrawal from trade or circulation of material goods consists of the timely and complete withdrawal that the owner, administrator or legal representative of the company must make of the total series or items of merchandise or goods or of any part of these, if they are identifiable, when it has been verified that they do not meet the regulatory requirements required to circulate in commerce, or that their use or consumption constitutes a danger to public health.

Article 363: The closure consists of the closure with the formal placement of seals, that the competent authority makes of an establishment, building, dwelling, installation or similar, inhibiting its operation.

The closure may be total or partial, temporary or permanent, as required by the circumstances of the case.

The closure is appropriate, especially, with respect to any establishment that must be authorized by the health authority and operates without such authorization; of the establishments that must have a regent or professional technical manager but are operating without having one; of medical care, education, commerce, industrial, recreation, entertainment or other establishments whose state or condition involves a danger to the health of the population, its staff or the individuals who frequent them and the housing that is live without basic sanitation conditions.

Article 364: The cancellation or suspension of permits consists of the permanent or temporary revocation of the authorization to install or operate an establishment or an activity for which it was granted and inhibiting the use and display of the document that accredits it.

Article 365: The isolation of a person, or group of people, means their separation from all others, with the exception of the personnel in charge of their care during the period of transmissibility or their location in places and under conditions that prevent direct or indirect transmission. of the infectious agent to people or animals that are susceptible or that can transmit the disease to others, depending on the severity of the case.

Article 366: The cancellation of the registry, consists of the elimination of the name of the person, product or the corresponding registry, putting an end to the activities that required such registration to be carried out.

CHAPTER III
OF THE EXTRAORDINARY POWERS AND ATTRIBUTIONS

Article 367: In case of danger of an epidemic, the Ministry may declare as an epidemic subject to sanitary control, any area of the national territory and will determine the necessary measures and the extraordinary powers that fully authorize its delegates to extinguish or prevent the spread of the disease. epidemic.
Unless stated otherwise, the powers and extraordinary measures shall expire thirty days after the last epidemic case of the disease occurs.

Article 368: In case of danger, threat or invasion of epidemic and disaster caused by floods, earthquakes or other calamity and in cases of national emergency, the Ministry may take charge of: the protection of any drinking water plant; swamp sanitation; the destruction of animals or insects that spread the disease or any other agent that spreads diseases, even when such activities are entrusted to other authorities.

It may also dispose of public or private buildings or hospitals, for the time that the Executive Power decrees.

Article 369: In the event of atmospheric radioactive contamination, the Ministry may, hearing the Atomic Energy Commission, order the vacating of buildings or a populated area, and may, for the purposes of moving people, request the immediate collaboration of other authorities and the individuals.

It may also order that people submit to appropriate decontamination practices.

BOOK III

TITLE I
OF SANCTIONS

CHAPTER I
CRIMES AGAINST HEALTH

Article 370: Anyone who, in accordance with this law, illegally practices medicine, dentistry, pharmacy, veterinary medicine, microbiology, clinical chemistry, nursing, or other related professions or activities, shall be punished with imprisonment from six months to three years. or collaboration, even if I did it for free.

The same penalty shall be suffered by those who, whether or not they are legally authorized to exercise the aforementioned professions, announce or allow the cure of diseases, for a fixed term, by secret or supposedly infallible means, as well as those who lend their name to another who does not have title or the corresponding authorization, so that he exercises the indicated professions, even if he did it for free.

Article 371: Whoever cultivates poppy plants (papaver somniferum), coca (erythroxylon coca), hemp or marijuana (cannabis indica and canabis sativa) or any other plants or seeds will suffer a prison sentence of six to twelve years. of similar effects whose cultivation, possession or traffic have been declared prohibited or restricted by the Ministry.
Thus amended by Law No. 5789 of September 1, 1975, published in La Gaceta No.

The same penalty shall be suffered by the owner, or usufructuary or lessee or holder of any title of the property where the plantation is located, if, aware of the destination given to the land, he does not immediately present the complaint before the common courts or before the authorities of corresponding police, or will not destroy the mentioned plants, as well as the one that will export, import, traffic or possess for these purposes, the plants mentioned in this article and their seeds when they have germinating property.

When the owner, or usufructuary or lessee, is a legal person, the administrator of said person will respond, knowing the destination that was given to the land, not making the corresponding complaint or ordering the destruction of the aforementioned plant.

Anyone who works cultivating plants of those provided for in the first paragraph of this article, when knowing their nature, will be sanctioned as an accomplice.

Article 372: Repealed by Law No. 7093 of April 22, 1988.

CHAPTER II
OF CONTRAVENTIONS AGAINST HEALTH

Article 373: Whoever sells or in any way trades medicines, food, equipment or devices that he has received free of charge for his own use, from public or private health entities, will suffer a penalty of three to twenty days fine.

The penalty will be from five to forty days fine, if the act was committed by the father, mother, guardian, curator, custodian or person in charge, in relation to the same assets indicated in the previous paragraph, which he received for the use of the minor, sick or helpless in his charge.

Article 374: Whoever sells apparatus, equipment, instruments, substances or materials that are used exclusively for the exercise of the professions indicated in article 370 or used exclusively for the exercise of the professions indicated in article 370 will suffer a penalty of ten to sixty days' fine. restricted by health authorities.

Article 375: Anyone who knowingly imports, prepares, trades, distributes or supplies, in any way, handles or has for the same purposes, deteriorated, contaminated, adulterated or falsified medicines or food, shall be punished with a fine of ten to sixty days, when the act does not constitute a crime.

The same penalty shall be suffered by anyone who preserves, distributes, delivers or trades in any way, the meat or by-products of animals affected by zoonoses, if there is no prior and express authorization from the Ministry, when the fact does not constitute a crime.

Article 376: Anyone who imports, exports, sells, manufactures, supplies or traffics in any way, or possesses for these purposes, medicines that contain narcotic drugs for free sale or restricted sale by the health authorities, without the proper authorizations and licenses. prior to the law or regulation, will suffer a penalty of thirty to one hundred and twenty days fine, when the act does not constitute a crime.

Article 377: The owner, administrator, person in charge or person in charge who unjustifiably denies or delays permission to enter his

establishment, to the health authorities, duly identified, for the fulfillment of their functions, will suffer the penalty of three to thirty days fine.

The same penalty shall be suffered by anyone who interferes with the full performance of their duties by the health authorities.

Article 378: Failure to comply with special or general orders or measures issued by the health authorities will be punished with a fine of five to thirty days, if the act does not constitute a crime.

Article 379: The violation of the prohibitions contained in article 94, will be sanctioned:

a) With a fine equivalent to ten times the value of the exported material. Said value will be determined based on international prices or on the expert opinion of experts in the field.

b) In case of recidivism, in addition to the fine determined in the previous paragraph, the suspension of the exercise of the profession will be imposed, up to a period of five years in the case of an individual, and the cancellation of the respective license or permit of operation, in the case of legal persons.

Article 380: Authorities and public officials who grant permits to make, repair or modify constructions, as well as those who grant patents or licenses to operate or install establishments of any nature, without approval or authorization, will be punished with twenty to sixty days fine. of the Ministry, when such a requirement is mandatory according to the law or regulations.

The same penalty shall be suffered by customs administrators who allow the clearance of food, medicine, drugs, equipment and any other class of products or merchandise, without the prior approval or authorization of the Ministry, when such a requirement is mandatory in accordance with the law or regulations.

Article 381: Whoever imports, manufactures, handles, stores, sells, transports, distributes or supplies toxic substances or products and dangerous substances or objects of a radioactive, oxidizing, flammable, explosive, corrosive or irritant or declared dangerous by the Ministry with risk or damage to the health or life of people and without being subject to the legal and regulatory requirements or to the special ones that the Ministry dictates to prevent such risk or danger, unless the fact constitute a crime.

Article 382: Whoever makes misleading or ambiguous advertising or propaganda that may be detrimental to the health of people or that may mislead the public in matters related to the conservation or recovery of health will be punished with a fine of twenty to sixty days. unless the act constitutes a crime.

Article 383: Whoever, by word of mouth, through any means of collective communication, spreads inaccurate or alarming news regarding public health, especially regarding the existence of epidemics or the danger of epidemics in the national territory, will suffer a fine of ten to thirty days. .

Article 384: When the infraction has been committed in an establishment, company or business that is owned or that operates or manages a legal entity in any capacity, the administrators, managers or legal representatives who, due to their administrative or representation were obliged to abide by or enforce compliance with the laws, regulations and general or particular provisions relating to the installation, operation and functioning of the establishment or which, due to negligence or omission in their management, have allowed the infraction to be committed. The foregoing without prejudice to personal criminal responsibility, in charge of the Director or technical or professional managers of the establishment as far as their professional and technical functions are concerned.

In any case, the legal entity will be jointly and severally liable with whoever is responsible, for the civil compensation arising from the infraction committed in the establishment that it owns or that it operates or manages in any capacity.

TITLE II
PROCEDURES AND COMPETENCIES

SINGLE CAPITAL

Article 385: The procedure to know, process and resolve the trials derived from the commission of the crimes and contraventions created by this law, will be those indicated by the Code of Criminal Procedures or, failing that, the law that regulates this matter.

Article 386: Crimes against health, created by this law or by special laws, will be brought to the attention of the corresponding Criminal Courts, according to the rules on jurisdiction and competencies in criminal matters, contained in the respective laws.

Contraventions against health, created by this law or special laws will be known to the authorities indicated by law and their jurisdiction will be
indicated by the Supreme Court of Justice within thirty days following
the enactment of this law.

Article 387: Repealed by Law No. 7093 of April 22, 1988.

Article 388: The Draft Regulations to this law must be made in consultation with the Federation of Professional University Colleges of Costa Rica.

TITLE III
REPEALS AND REFORMS

Article 389: Reform article 16 of Law No. 4383 of August 18,
1969, Basic Law of Atomic Energy for Peaceful Uses, to read as follows:

"Article 16: The Ministry of Public Health will be in charge of executing protection programs against ionizing radiation, in accordance with the
Commission recommendations.

The Ministry must act in accordance with the Commission and inform it
periodically on the activities carried out.

Article 390: Repeal the legal and regulatory provisions that are
oppose this law. The following articles of the
Sanitary Code:

2 4 56 57 58 77 59 60 61 62 63 64 65 70 71 72 73
1 74 75 76 78 79 94 95 80 81 82 83 84 85 86 87 88 89 90
115 120
91 92 93 96 97 98 99 100 101 102 103 104 106
107 114 121 122 123 124 125 126 134: 135 150 136
137 138 139 140 141 142 143 144 145 149 151 152
153 154: 155 167 156 157 158 159 171: 160 161 162 163 164 165
166 168 169 170 172 174 175 176 177 178 179
180 181 183 184 188 189 190 191 199 203: 207 236 208 211
212 213 214 215 216 217 218 234 235 238 239 240
241: 242 243 244 245 246 247 248 249 250 251 252 253
254 255 256 258: 259 270 282 and 283 284 296 271 272 273 274 275 278
279 281 297 313 314 285 286 287 288 289 290
291 293 294 295 298 299 300 301 302 303: 304 320
305 324 306 309 328: 310 315 316 317 318 319 323 350
351 366 326 329 353 354 330 342 343 345 346 347 348 349
and 352 355 356 357: 358 359 360 362 363 365

Article 269 of the Penal Code.

Article 391: The articles of the Sanitary Code not repealed, will be considered for all legal purposes as Organic Law of the Ministry of Health Public, as long as that law is not repealed.

Article 392: The derogations contained in the Sanitary Code are maintained.

Article 393: The regulations and decrees issued to the protection of the Sanitary Code and the previous legislation, as long as they do not oppose the present law.

The powers and functions conferred by this law to the Ministry are not exclusive, but concurrent with those that other laws grant to other public organisms in their respective competences.

Article 394: This law takes effect three months after its publication.

Transitory dispositions

Transitory I: The transitory law 2653 of November 1, 1960 remains in effect.

Transitory II: The provisions of article 102 of this law shall not apply to persons, individuals or legal entities, who are duly authorized as representatives of foreign houses and registered to date in the Ministry of Economy, Industry and Commerce and that currently have representation of pharmaceutical products.

Legislative Assembly. San José, on the twenty-third day of the month of October of a thousand nine hundred and seventy three.

Luis Alberto Monge Alvarez,
President.

Angel Edmundo Solano Calderón First Secretary.

Oscar Campos Orozco
Second Deputy Secretary.

Presidential House. San José, on the thirtieth day of the month of October of one thousand nine hundred and seventy three.

José Figueres
Jose Luis Orlich Bolmarich.

Published in Scope No. 172 to La Gaceta No 222 of November 24, 1973.