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## **Regulations on Drug Treatment**

(Adopted at the 160th Executive Meeting of the State Council on June 22, 2011, promulgated by Decree No. 597 of the State Council of the People's Republic of China on June 26, 2011, and effective as of the date of promulgation)

### **Chapter I General Provisions**

**Article 1** These Regulations are formulated in accordance with the Anti-Drug Law of the People's Republic of China for the purpose of standardizing drug treatment, helping drug addicts overcome drug addiction and maintaining social order.

**Article 2** People's governments at or above the county level shall establish a working system for drug treatment, under which the government exercises unified leadership, narcotics control commissions organize and coordinate efforts and provide guidance, the relevant departments carry out their respective responsibilities, and all sectors of society get involved.

In drug treatment, the principle of people first, drug treatment by scientific means, comprehensive cure, and care and support shall be followed; multiple measures shall be adopted such as voluntary receipt of drug treatment, community-based drug treatment, compulsory isolated drug treatment and community-based rehabilitation; and a working system shall be established to combine drug treatment, rehabilitation guidance and support services.

**Article 3** People's governments at or above the county level shall, in accordance with the relevant provisions of the State, include the funds required for drug treatment into their financial budgets.

**Article 4** Narcotics control commissions set up by local people's governments at or above the county level may make arrangements for public security organs, health administration departments and drug administration departments to carry out monitoring and survey of drug abuse, and make public the results thereof.

Public security organs of local people's governments at or above the county level

shall be responsible for conducting tests on persons suspected of drug abuse, registering drug users, keeping them under dynamic control in accordance with law, ordering them to receive community-based drug treatment, deciding on their compulsory isolated drug treatment and ordering them to receive community-based rehabilitation in accordance with law, managing compulsory isolated drug treatment centers and drug treatment and rehabilitation centers run by public security organs, and providing guidance and support for community-based drug treatment and rehabilitation.

Judicial administration departments of local people's governments at or above the level of a city divided into districts shall be responsible for managing compulsory isolated drug treatment centers and drug treatment and rehabilitation centers run by judicial administration departments, and providing guidance and support for community-based drug treatment and rehabilitation.

Health administration departments of local people's governments at or above the county level shall be responsible for supervising and managing medical institutions for drug treatment and, in conjunction with such departments as public security organs and judicial administration departments, formulating plans for establishment of medical institutions for drug treatment, and providing guidance and support in medical services for drug treatment.

Departments of civil affairs, human resources and social security, education, etc. of local people's governments at or above the county level shall, in compliance with their respective functions and duties, provide guidance and support for community-based drug treatment and rehabilitation, such as training in rehabilitation and vocational skills.

**Article 5** Town (township) people's governments and urban sub-district offices shall be responsible for community-based drug treatment and rehabilitation.

**Article 6** Where a people's government at the county level or at the level of a city divided into districts needs to establish a compulsory isolated drug treatment center or a drug treatment and rehabilitation center, it shall ensure rational geographical distribution of such centers, and shall submit the project to the people's

government of the province, autonomous region, or municipality directly under the Central Government for approval, and include it into its local plan for national economic and social development.

Construction standards for compulsory isolated drug treatment centers and drug treatment and rehabilitation centers shall be formulated by the construction department and the development and reform department of the State Council in conjunction with the public security department and the judicial administration department of the State Council.

**Article 7** Persons receiving drug treatment shall not be discriminated against in school enrollment, employment, enjoyment of social security benefits, etc.

Personal information about persons receiving drug treatment shall be kept confidential in accordance with law. No dynamic control shall be exerted any longer on persons who have ceased to take drugs for three years.

**Article 8** The State encourages and supports civil society organizations, enterprises, institutions and individuals to participate in scientific research, social service and social welfare undertaking related to drug treatment.

Those that make remarkable achievements in or make outstanding contributions to drug treatment shall be commended and rewarded in accordance with the relevant provisions of the State.

## **Chapter II Voluntary Receipt of Drug Treatment**

**Article 9** The State encourages drug addicts to overcome drug addiction of their own accord. Drug users may themselves go to receive drug treatment at medical institutions for drug treatment. Public security organs shall not penalize drug users, who voluntarily receive drug treatment, for their previous drug abuse.

**Article 10** Medical institutions for drug treatment shall sign agreements on voluntary drug treatment with drug users who voluntarily receive drug treatment or with their guardians, in which shall be stipulated the method and duration for drug treatment, the preservation of confidentiality of the persons receiving drug treatment,

the bylaws such persons are required to observe, the conditions for terminating drug treatment, etc., and shall be specified the curative effects and risks of drug treatment.

**Article 11** Medical institutions for drug treatment shall fulfill the following duties:

(1) to extend knowledge about prevention of infectious diseases such as AIDS to persons who voluntarily receive drug treatment and provide them with counseling in this respect;

(2) to take multiple treatment measures, such as detoxification, psychological rehabilitation and behavioral correction for persons who voluntarily receive drug treatment, in conformity with the drug treatment rules established by the health administration department of the State Council;

(3) to adopt scientific and standardized diagnosis and treatment technologies and methods, and to see that the medicines, hospital preparations and medical instruments are used in conformity with the relevant provisions of the State; and

(4) to exercise strict control of pharmaceuticals in accordance with law in order to prevent loss and abuse of narcotic drugs and psychotropic substances.

**Article 12** Persons receiving drug treatment who meet the conditions for participating in drug maintenance treatment may participate in such treatment after going through the procedures for application and registration. Information on persons who have registered to participate in drug maintenance treatment shall, in a timely manner, be submitted to the public security organ for the record.

Measures for administration of drug maintenance treatment shall be formulated by the health administration department of the State Council in conjunction with the public security department and the drug administration department of the State Council.

### **Chapter III Community-based Drug Treatment**

**Article 13** The public security organ of the people's government at the county level or at the level of a city divided into districts may order a drug addict to receive

community-based drug treatment and issue a written decision thereon, which shall be served on him and his family members and made known to the town (township) people's government or the urban sub-district office at the place of his registered or actual residence.

**Article 14** A person who is to receive community-based drug treatment shall, within 15 days from the date of receipt of the written decision on an order for community-based drug treatment, report to the town (township) people's government or the urban sub-district office at the place where community-based drug treatment is to be administered. If he fails to do so within the specified time limit without justifiable reasons, he shall be deemed to reject such treatment.

The duration of community-based drug treatment shall be three years, starting from the date the person reports.

**Article 15** Where necessary, town (township) people's governments and urban sub-district offices shall set up leading teams for community-based drug treatment, assign full-time workers to be responsible for community-based drug treatment, draw up plans and implement measures for such treatment.

**Article 16** After the persons who are to receive community-based drug treatment report to town (township) people's governments or urban sub-district offices, the governments or offices shall, in a timely manner, sign agreements on community-based drug treatment with them, in which shall be specified the specific measures for treatment, the rules such persons are required to observe, and the liability for violation of the agreements.

**Article 17** A working team for community-based drug treatment shall consist of full-time workers for such treatment, community police officers, community medical workers, family members of the persons receiving community-based drug treatment and drug control volunteers, in order to implement community-based drug treatment.

**Article 18** Town (township) people's governments, urban sub-district offices and working teams for community-based drug treatment shall take the following measures to manage the affairs of persons receiving such treatment and provide them

with assistance:

- (1) counseling in knowledge of drug treatment;
- (2) educating and exhorting;
- (3) providing training in vocational skills, vocational guidance, and assistance in school enrollment, employment and medical services; and
- (4) other measures to help those persons overcome drug addiction.

**Article 19** A person receiving community-based drug treatment shall abide by the following rules:

- (1) fulfilling the agreement on community-based drug treatment;
- (2) receiving regular tests as required by the public security organ; and
- (3) submitting a written report if he is to leave for three days or more the county (city or district) where community-based drug treatment is administered.

**Article 20** Where, during the period of community-based drug treatment, a person receiving such treatment evades or rejects the test for three times or more, or leaves, without permission, the county (city or district) where community-based drug treatment is administered, for three times or more or over a total of 30 days, such act shall constitute a “serious violation of the agreement on community-based drug treatment”, as specified in the Anti-Drug Law of the People’s Republic of China.

**Article 21** Where a person receiving community-based drug treatment rejects the treatment, ingests or injects drugs again during the period of treatment, or commits a serious violation of the agreement on community-based drug treatment, the full-time workers for community-based drug treatment shall promptly report the matter to the local public security organ.

**Article 22** Where, due to change in the place of his registered or actual residence, a person receiving community-based drug treatment needs to receive such treatment at a new place, the town (township) people’s government or the urban sub-district office at the original place shall send the relevant documents to the town (township) people’s government or the urban sub-district office at the new place.

A person receiving community-based drug treatment shall, within 15 days from the date of change in the place for such treatment, report to the town (township)

people's government or the urban sub-district office at the new place, and the duration of community-based drug treatment shall continue to be calculated from the date he reports.

The town (township) people's government or the urban sub-district office at the new place for community-based drug treatment shall, in accordance with the provisions of Article 16 of these Regulations, sign a new agreement on community-based drug treatment with the person receiving such treatment and continue to administer the treatment.

**Article 23** Community-based drug treatment shall be terminated at the expiration date. The public security organ at the place where community-based drug treatment is administered shall issue a notice of termination of community-based drug treatment and serve the same on the person receiving such treatment and his family members and shall, within seven days, make the matter known to the town (township) people's government or the urban sub-district office at the place where the treatment is administered.

**Article 24** Where a person receiving community-based drug treatment is, in accordance with law, imprisoned for criminal punishment or subjected to compulsory education measures, his treatment shall be terminated.

Where a person receiving community-based drug treatment is detained or arrested in accordance with law, his treatment shall be suspended, the detention center shall provide him with necessary drug treatment and the community-based drug treatment shall resume after his release.

#### **Chapter IV Compulsory Isolated Drug Treatment**

**Article 25** Where a drug addict comes under any of the circumstances specified in the first paragraph of Article 38 of the Anti-Drug Law of the People's Republic of China, the public security organ of the people's government at the county level or at the level of a city divided into districts shall make a decision on his compulsory isolated drug treatment.



With regard to a person seriously addicted to a drug, for whom it is hard to rid himself of drug addiction through community-based drug treatment, the public security organ of the people's government at the county level or at the level of a city divided into districts may make a direct decision on his compulsory isolated drug treatment.

Where a drug addict intends to receive compulsory isolated drug treatment of his own accord, he may be admitted to a compulsory isolated drug treatment center upon approval of the public security organ of the people's government at the county level or at the level of a city divided into districts at the place where the said center is located. The center shall reach agreement with the drug addict on the duration and measures for drug treatment, etc.

**Article 26** With regard to a drug addict to whom compulsory isolated drug treatment is not applicable, as specified in the first paragraph of Article 39 of the Anti-Drug Law of the People's Republic of China, the public security organ of the people's government at the county level or at the level of a city divided into districts shall make a decision on his community-based drug treatment, and he shall receive such treatment in accordance with the provisions in Chapter III of these Regulations.

**Article 27** The duration of compulsory isolated drug treatment shall be two years, starting from the date the decision is made on such treatment.

After receiving compulsory isolated drug treatment for three to six months at a compulsory isolated drug treatment center run by the public security organ, the person receiving such treatment shall be transferred to a compulsory isolated drug treatment center run by the judicial administration department for further treatment.

With regard to a province, autonomous region, or municipality directly under the Central Government where conditions for implementing the provisions in the preceding paragraph do not exist, the public security organ and the judicial administration department shall jointly put forward and submit their opinions to the people's government of the province, autonomous region, or municipality directly under the Central Government, which shall decide on the specific implementation schemes. However, the duration of compulsory isolated drug treatment provided at a

compulsory isolated drug treatment center run by the public security organ may not exceed 12 months.

**Article 28** Where, in the course of examining the body and belongings of a person receiving compulsory isolated drug treatment, the compulsory isolated drug treatment center finds contrabands such as drugs, it shall deal with the contrabands in accordance with law; the person's belongings, other than those needed in everyday life, shall be left in the care of the center.

Physical examination of females who are to receive compulsory isolated drug treatment shall be conducted by the female staff members.

**Article 29** The establishment of a medical institution for drug treatment by a compulsory isolated drug treatment center shall be subject to the approval of the health administration department of the local people's government of the province, autonomous region, or municipality directly under the Central Government. A compulsory isolated drug treatment center shall be equipped with facilities and staffed with necessary supervisors and shall, in accordance with law, provide persons receiving compulsory isolated drug treatment with scientific and standardized drug treatment, psychological treatment, physical rehabilitation training, education in health, morality and legal knowledge, and training in vocational skills.

**Article 30** Compulsory isolated drug treatment centers shall manage the affairs of persons receiving compulsory isolated drug treatment on the basis of their difference in gender, age and condition of illness; necessary treatment measures shall be targeted on persons using different types of drugs; and different levels of supervision shall be conducted among persons receiving compulsory isolated drug treatment, on the basis of their different stages of drug treatment and their performance, in order to gradually prepare them for society.

**Article 31** Where a person receiving compulsory isolated drug treatment suffers from a serious disease that would endanger his life if he does not leave the center for medical treatment, the compulsory isolated drug treatment center may allow him to leave the center for medical treatment, upon approval of the competent authority of the center, and after reporting the matter for the record to the department

that decides on his compulsory isolated drug treatment. The expenses for medical treatment outside the center shall be borne by the said person.

During the period of medical treatment outside the center, the duration of compulsory isolated drug treatment shall continue to be calculated. With regard to a person whose health condition does not permit him to return to the center for continued compulsory isolated drug treatment, the center shall put forward the proposal to the department that decides on his compulsory isolated drug treatment that the person be transferred to receive community-based drug treatment, and the said department shall, within seven days from the date of receipt of the proposal, make a decision on whether or not to give its approval. If the proposal for community-based drug treatment is approved, the number of days the person has spent receiving compulsory isolated drug treatment shall be counted in the duration of community-based drug treatment.

**Article 32** Where a person receiving compulsory isolated drug treatment escapes, the compulsory isolated drug treatment center shall immediately make the matter known to the public security organ of the local people's government at the county level, and shall cooperate with the public security organ to catch and bring back the escapee. The caught escapee shall continue with his compulsory isolated drug treatment, and the period of escape shall not be counted in the duration of his compulsory isolated drug treatment. A caught escapee shall not be released from such treatment ahead of time.

**Article 33** Where, in accordance with the provisions of the second and third paragraphs of Article 47 of the Anti-Drug Law of the People's Republic of China, a compulsory isolated drug treatment center puts forward an opinion on releasing a person from compulsory isolated drug treatment ahead of time or on extending the period of such treatment, the department that decides on the person's compulsory isolated drug treatment shall, within seven days from the date of receipt of the opinion, decide whether or not to give its approval. Where the department gives the approval for releasing the person from compulsory isolated drug treatment ahead of time or for extending the period of such treatment, it shall issue a written decision to such effect

and serve the same on the person concerned, and shall, within 24 hours after service of the decision, make the matter known to his family members, his employer, and the police station at the place of his registered or actual residence.

**Article 34** Where a person is to be released from compulsory isolated drug treatment, the compulsory isolated drug treatment center shall, three days in advance, make the matter known to the department that decides on the person's compulsory isolated drug treatment, issue a certification for the release and serve the same on the person concerned, and shall inform his family members, his employer, or the police station at the place of his registered or actual residence, which shall take him back.

**Article 35** Measures for diagnosis and assessment in respect of compulsory isolated drug treatment shall be formulated by the public security department and the judicial administration department of the State Council in conjunction with the health administration department of the State Council.

**Article 36** Where a person receiving compulsory isolated drug treatment is, in accordance with law, imprisoned for criminal punishment, subjected to compulsory education measures, or detained or arrested, the custody or detention center shall provide him with necessary drug treatment, and the duration of the person's compulsory isolated drug treatment shall continue to be calculated; if the duration of his compulsory isolated drug treatment is not due to expire when the criminal punishment is completed, the compulsory education measures are terminated or he is released from custody, his compulsory isolated drug treatment shall resume.

#### **Chapter V Community-based Rehabilitation**

**Article 37** With regard to a person who is released from compulsory isolated drug treatment, the department that decides on such treatment may order him to receive community-based rehabilitation for not more than three years.

Community-based rehabilitation shall be implemented by the town (township) people's government or the urban sub-district office at the place of the said person's registered or actual residence, or may be implemented at a drug treatment and

rehabilitation center instead, with the said person's consent.

**Article 38** A person who is ordered to receive community-based rehabilitation shall, within 15 days from the date of receipt of a written decision on such order, report to the town (township) people's government or the urban sub-district office at the place of his registered or actual residence, and sign an agreement on community-based rehabilitation.

Where a person who is ordered to receive community-based rehabilitation rejects to receive community-based rehabilitation or seriously violates the agreement on community-based rehabilitation, and is ordered to receive compulsory isolated drug treatment after he ingests or injects drugs again, he shall not be released from such treatment ahead of time.

**Article 39** Workers in charge of community-based rehabilitation shall provide persons receiving community-based rehabilitation with necessary psychological treatment and counseling, training in vocational skills, vocational guidance, and assistance in school enrollment, employment and medical services.

**Article 40** Community-based rehabilitation shall be terminated at the expiration date. The public security organ at the place where community-based rehabilitation is implemented shall issue a notice of termination of community-based rehabilitation and serve the same on the person receiving such rehabilitation and his family members and shall, within seven days, make the matter known to the town (township) people's government or the urban sub-district office at the place where community-based rehabilitation is implemented.

**Article 41** A person voluntarily receiving drug treatment or a person receiving community-based treatment or rehabilitation may, of his own accord, sign an agreement with a drug treatment and rehabilitation center to receive such treatment or rehabilitation, or live or labor at the said center.

Drug treatment and rehabilitation centers shall be staffed with necessary supervisors and medical workers, and provide persons receiving drug treatment with conditions for drug treatment, rehabilitation, training in vocational skills and productive labor.

**Article 42** Drug treatment and rehabilitation centers shall exercise strict control to prevent drugs from being smuggled in, and establish a mechanism for persons receiving drug treatment and rehabilitation in self-management, self-education and self-service.

Persons receiving drug treatment who participate in productive labor organized by drug treatment and rehabilitation centers shall be paid with reference to the provisions of the State on the labor and employment system.

## **Chapter VI Legal Liability**

**Article 43** Where a staff member of the public security organ, the judicial administration department, the health administration department or any relevant department divulges the personal information of persons receiving drug treatment, he shall be given a sanction in accordance with law; if his act constitutes a crime, he shall be investigated for criminal liability in accordance with law.

**Article 44** Where a staff member of the town (township) people's government or the urban sub-district office who is in charge of community-based drug treatment or rehabilitation commits any of the following acts, he shall be given a sanction in accordance with law:

(1) failing to sign an agreement on community-based drug treatment or rehabilitation with the person receiving such treatment or rehabilitation, or failing to implement the measures for such treatment or rehabilitation;

(2) failing to fulfill the obligation to report, as specified in Article 21 of these Regulations; or

(3) other acts of non-compliance with the supervisory duties in community-based drug treatment or rehabilitation.

**Article 45** Where a staff member of a compulsory isolated drug treatment center commits any of the following acts, he shall be given a sanction in accordance with law; if his act constitutes a crime, he shall be investigated for criminal liability in accordance with law:

- (1) humiliating, maltreating or inflicting physical punishment on persons receiving compulsory isolated drug treatment;
- (2) accepting or demanding money or things of value;
- (3) without permission, using, damaging or disposing of the money or things of value that are confiscated or left in his care;
- (4) providing narcotic drugs or psychotropic substances for persons receiving compulsory isolated drug treatment, or delivering other articles to them in violation of the provisions;
- (5) practicing fraud in making diagnosis and assessment in respect of compulsory isolated drug treatment;
- (6) without permission, releasing persons receiving compulsory isolated drug treatment; or
- (7) other acts of malfeasance for personal gain, neglect of duty and non-compliance with statutory functions and duties.

#### **Chapter VII Supplementary Provision**

**Article 46** These Regulations shall be effective as of the date of promulgation. The Measures for Compulsory Drug Treatment promulgated by the State Council on January 12, 1995, shall be repealed simultaneously.

本译本仅供参考，若有歧义，请以中文版本为准。

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