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Chinese Law on SARS

By

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For My Wife, Li Xue, and Daughter, Jennie

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Chenglin Liu
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Houston, Texas

INTRODUCTION

Severe Acute Respiratory Syndrome (SARS) is a viral respiratory illness, caused by a previously unrecognized coronavirus. While the worldwide efforts in searching for the medical cures for SARS continue, neither effective vaccination nor treatment has yet been found. After SARS was first identified in Southern China in November 2002, the disease spread quickly into more than twenty countries. During the 2003 outbreak, a total of 8,098 people worldwide were infected with SARS, of whom 774 fell victim to the disease.¹

The economic and social cost of combating SARS in China was enormous. By late June 2003, when the Chinese government finally claimed a victory over the crisis, there were 5,327 people infected with the illness with 349 deaths in China.² The direct economic loss of the outbreak was approximately \$18 billion between April 2003 and June 2003.³ In addition, the loss of confidence by the public in the Chinese health care system was immeasurable.

This book examines the political and legal aspects of the Chinese government's reaction to the SARS epidemic between November 2002 and June 2003. This book, however, makes no attempt to assess the epidemiological nature of the disease. SARS could have been a purely scientific issue if it had been dealt with properly at the outset. Unfortunately, since the initial information on the outbreak was concealed and misstated, the deadly virus gained momentum and erupted into a national epidemic. During the national Campaign against SARS, medical

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1. United State Department of Health and Human Services Centers for Disease Control and Prevention (CDC): *Frequently Asked Questions About SARS*, available at <<http://www.cdc.gov/ncidod/sars/faq.htm>>.
 2. *Weishengbu bangongshi fuzhuren Mao Qun'an fayan* [A speech by Mr. Mao Qun'an, deputy director of the administrative office of the Health Ministry], SARS International Forum, December 15, 2003. Sina Net, available at: <<http://news.sina.com.cn/c/2003-12-15/10382378528.shtml>>.
 3. *Zhongguo neidi jingji yin feidian sunshi 179 yi meiyuan* [SARS caused \$17.9 billion in damage in mainland China], ZHONGGUO QINGNIANBAO [CHINA YOUTH DAILY] November 11, 2003.

prevention and treatment accounted for only one part of the effort. After the epidemic devastated Beijing in April 2003, the Chinese government turned to a legally supported effort. Enacting and implementing new laws on SARS played a crucial role in containing the epidemic.

This book begins with tracing the development of the SARS epidemic and examining the contrasting reactions of the government to the outbreak before and after April 20, 2003, when the national Campaign against SARS was officially launched. Subsequently, the book provides an in-depth analysis of the new laws enacted by the government during the peak of the outbreak, and the problems that the government encountered while enforcing them.

This book will serve as a valuable resource for those who are interested in public health law in China. All of the major legislation on SARS and other infectious diseases have been translated from Chinese into English by the author and included in the appendices. The author hopes that, through utilizing the primary materials and analysis in this book, legal scholars and public health experts are able to make contributions to establishing an effective surveillance system and medical network to prevent epidemic diseases, both in China, and throughout the world.

This book consists of five chapters and appendices.

Chapter 1 and *Chapter 2* address the initial reactions to the epidemic: why SARS was not given priority by the local government in the beginning; how the silence was broken and the government hastened to take measures to control the deadly virus in Beijing and the rest of the country; how the public reacted with panic to the impact of the new disease; and why the government finally turned to a legal means in combating SARS.

Chapter 3 provides a brief introduction to the government structure in China, and the roles that different governmental entities played during the campaign against SARS. The SARS outbreak coincided with the full session of the 10th National People's Congress (NPC) that elected the new Central Government in China. This Chapter analyzes the new approach adopted by the newly elected government in dealing with SARS.

Chapter 4 discusses the policies and measures taken by the government during the SARS Campaign, which eventually developed into the newly enacted laws. These laws were influenced by both the positive and negative experiences in carrying out the various policies in the battle against SARS. This chapter helps readers to understand the context, in which the new laws were created.

Chapter 5 provides a brief legislative history and an overview of the formally enacted laws on SARS and other infectious diseases.

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