

☆附 錄☆

◎ 食品衛生法

[1962. 1. 20 法律第1007號]
改正[1967. 3. 30 法律第1921號]

金 碩 根 記

第 1 章 總 則

第1條 (目的) 이법은 食品으로 因한 衛生上의 危害의 防止와 食品營養의 質的向上을 圖謀함으로써 國民保健의 向上과 增進에 寄與함을 目的으로한다.

第2條 (定義) ①이 法에서 食品이라함은 모든 飲食物을 말한다. 다만, 醫藥으로 攝取하는 것은 例外로 한다.

②이法에서 添加物이라함은 食品의 製品加工 또는 保存을 함에 있어 食品에 添加混合浸潤 其他의 方法에 依하여 使用되는 物質을 말한다.

③이法에서 化學的合成品이라함은 化學的手段에 依하여 元素 또는 化合物에 分解反應以外的 化學反應을 일으켜 얻은 物質을 말한다.

④이法에서 器具라함은 飲食器 其他食品 또는 添加物の 採取·製造·加工·調理·貯藏·運搬·陳列·授受 또는 攝取에 使用되는 것으로서 食品또는 添加物에 直接接觸되는 機械·器具를 말한다.

⑤이法에서 容器·包裝이라함은 食品 또는 添加物을 넣거나 싸는 物品으로서 食品 또는 添加物을 授受할 때 함께引渡되는 物品을 말한다.

⑥이法에서 標示라함은 食品·添加物·器具 또는 容器·包裝에 明示된 文字 또는 圖形을 말한다.

〈改正 1967.3.30 法1921〉

⑦이法에서 食品衛生이라함은 食品·添加物·器具및 容器와 包裝을 對象으로 하는 飲食에 關한 衛生을 말한다. 〈改正 1967.3.30 法1921〉

⑧이法에서 營業이라함은 食品 또는 添加物을 採取·製造·加工·輸入·調理·貯藏또는 販賣하거나 器具 또는 容器·包裝을製造·輸入 또는 販賣하는 業을 말한다. 〈改正 1967.3.30 法1921〉

⑨이法에서 調理士라 함은 調理士免許를 받아 食品을 調製하는 것을 業으로 하는 者를 말한다.

〈改正 1967.3.30 法1921〉

⑩이法에서 營養士라함은 營養士免許를 받아 營養의 指導를하는 것을 業으로 하는 者를 말한다.

〈改正·1967.3.30 法1921〉

⑪이法에서 集團給食所라함은 營利를 目的으로 하지 아니 하고 繼續的으로 多數人에게 飲食을 供給하는 寄宿舍, 學校, 病院 其他 厚生機關等の 給食施設을 말한다. 〈改正 1967.3.30 法1921〉

FOOD SANITATION LAW

(Law No.1007, January 20, 1962)

(Law No.1921, March 30, 1967, Revised)

CHAPTER 1. GENERAL PROVISIONS

Article 1. (Purpose)

The purpose of this Law is to protect the people from health hazards resulting from the consumption of foods or drinks, and to contribute the improvement and promotion of public health by nutritious foods.

Article 2. (Definitions)

- ① In this Law, the term "Food" means all sorts of food and beverage. Provided that, it shall not include drugs.
- ② In this Law, the term "additives" means articles used by means of adding, mixing, permitting or other in or upon food, in the process of manufacturing food for the purpose of processing or preserving foods.
- ③ In this Law, the term "chemical synthetic compounds" means all substances obtained by chemical reaction of elements or compounds other than degradation.
- ④ In this Law, the term "apparatus" means utensils such as tablewares or cookingwares, and machines, implements and other things used for collecting, manufacturing, processing, preparing, storing, transporting, displaying, delivering or taking food or additives, which contact with food or additives directly.
- ⑤ In this Law, the term "container-package" means articles containing or packing foods or additives, to be offered there with when foods or additives are delivered.
- ⑥ In this Law, the term "label" means letters or graphs clearly described on foods, additives, apparatus or container-package.
- ⑦ In this Law, the term "Food sanitation" means the hygiene on eating and drinking, whose object being food, additives, apparatus and container-package.
- ⑧ In this Law, the term "business" means undertaking for profit by collecting, manufacturing importing, processing, preparing, storing or selling foods or additives, or by manufacturing, importing or selling apparatus or container-package.
- ⑨ In this Law, the term "cooks" means a person who prepare food for the business by a licensed cook.
- ⑩ In this Law, the term "dietician" means a person who instructs nutrition for the business by a licensed dietician.
- ⑪ In this Law, the term "mass feeding institution" means a place where a large numbers of meal are served at the dormitory, school, hospital and public welfare institutions.

第2章 食品 및 添加物

第3條 (販賣禁止) 다음各號의 1에 該當하는 食品 또는 添加物을 販賣(販賣以外的 授與도 包含한다. 以下같다) 하거나 販賣할 目的으로 採取·製造·輸入·加工·使用·調理 또는 貯藏하거나 陳列하지 못한다.

1. 腐敗또는 變質되었거나 未熟한것. 다만, 一般的으로 人體의 健康을 害할 憂慮가 없고 食用으로서 無妨하다고 認定되는 것은 例外로 한다. (改正 1967.3.30 法1921)
2. 有毒 또는 有害物質이 含有되었거나 附着한것. 다만, 人體의 健康을 害할 憂慮가 없다고 保健社會部 長官이 認定하는 것은 例外로한다. (改正 1967.3.30)
3. 病原微生物에 依하여 汚染되었거나 또는 그念慮가 있어 人體의 健康을 害할 憂慮가 있는것.
4. 不潔하거나 異物の 混入 또는 添加其他의 事由로 人體의 健康을 害할 憂慮가 있는것.

第4條 (病肉等の 販賣禁止)保健社會部令의 定하는 疾病에 걸렸거나 그의 念慮가 있거나 또는 病死한 獸畜(牛馬·綿羊·山羊·豚 其他 保健社會部令의 定하는 動物을 말한다)의 肉·骨·乳汁·臟器 또는 血液을 販賣하거나 食品으로서 販賣할 目的으로 採取·輸入·加工·使用·調理 또는 貯藏하거나 陳列하지 못한다.

第5條 (化學的合成品의 販賣禁止) 保健社會部令으로 定한 化學的合成品以外的 化學的合成品과 製劑를 食品의 添加物로 使用하거나 이를 含有한 食品을 販賣하거나 販賣의 目的으로 製造·輸入·加工·使用·調理 또는 貯藏하거나 陳列하지 못한다. (改正 1967.3.30)

第6條 (基準과 規格) ①保健社會部長官은 國民保健上 特히 必要하다고 認定할때에는 保健社會部令으로써 販賣를 目的으로하는 食品 또는 添加物의 製造·加工·使用·調理및 保存의 方法에 關하여 必要한 基準과 그食品 또는 添加物의 成分에 關하여 必要한 規格을 定할수 있다.

②前項의 規定에 依하여 基準과 規格이 定하여졌을때에는 食品 또는 添加物은 그基準에 맞는 方法에 依하여 製造·加工·使用·調理 또는 保存되어야 하며 그基準과 規格에 맞지 아니하는 食品 또는 添加物은 製造·輸入·加工·使用·調理 또는 保存하거나 販賣하지 못한다.

第3章 器具외容器·包裝

CHAPTER 2. FOOD AND ADDITIVES

Article 3. (Food or additives prohibited to sell)

The following food or additives shall neither be sold including delivery to unspecified and many persons, hereinafter the same, nor be collected, manufactured, imported, processed, used, prepared, stored or displayed for sale;

① That which is rotten, decomposed or immature;

Provided that this shall not apply to such articles generally deemed neither injurious to human health nor unfit for food;

② That which has contained or has been contaminated with a poisonous or detrimental substance;

Provided that this shall not apply in case where the Minister of Health and Social Affairs has determined to be *not injurious to human health*;

③ That which is contaminated with pathogenic microorganisms, and may injure human health;

④ That which may injure human health due to causes, such as uncleanness, mixing or adding foreign substance, and others.

Article 4. (Prohibition to sale of meat and other parts of animal suffered from diseases)

Meat, bone, milk, viscera and blood of animals (including cattle, horses, pigs, goats, sheep and other animals as prescribed by Order; hereinafter the same) suffering from or being suspected to be suffering from diseases as prescribed by Ministerial Ordinance or dead, shall be sold as food or collected, processed, used, prepared, stored or displayed for sale as food.

Article 5. (Prohibition to sale of chemical synthetic compounds)

The chemical synthetic compounds intended to be used as food additives as well as the product and food containing such chemical synthetic compounds shall not be sold, nor be manufactured, imported, processed, used, prepared, stored or displayed for sale;

Article 6. (Establishment of standards and criterions of foods or additives)

① The Minister of Health and Social Affairs shall, from the view point of public health, be authorized to set the standards concerning the methods of manufacturing, processing, using, preparing and preserving food or additives for sale, or to set the criterions concerning the components of food or additives for sale.

② When the standards or the criterions have been established in accordance with the provision of the preceding paragraph, it shall be forbidden to manufacture, process, use, prepare or preserve food or additives by methods contrary to such standards, or to sell or import food or additives contrary to such standards, or to manufacture, import, process, use, prepare, preserve or sell food or additives contrary to such criterions.

CHAPTER 3. APPARATUS AND CONTAINER PACKAGE

第7條 (有毒器具等の販賣・使用禁止) 有毒 또는 有害物質이 含有되었거나 附着되어 人體의 健康을 害할 憂慮가 있는 器具 및 容器・包裝과 食品 또는 添加物에 接觸됨으로써 人體의 健康을 害할 憂慮가 있는 器具・容器 및 包裝을 販賣하거나 販賣의 目的으로 製造・輸入하거나 또는 營業上 使用하지 못한다.

第8條 (基準과 規格) ① 保健社會部長官은 國民保健上 特히 必要하다고 認定할 때에는 保健社會部令으로써 販賣를 目的으로하거나 營業上 使用하는 器具와 容器・包裝과 그 原材料에 關한 規格과 그 製造方法에 關하여 必要한 基準을 定할수 있다.

② 前項의 規定에 依하여 基準과 規格이 定하여 졌을 때에는 器具의 容器・包裝은 그 基準에 맞는 方法에 依하여 製造하여야하며, 그 基準과 規格에 맞지 아니하는 器具와 容器・包裝은 製造輸入 또는 販賣하거나 營業上 使用하지 못한다.

第4章 標 示

第9條 (標示基準) ① 保健社會部長官은 國民保健上 特히 必要하다고 認定할 때에는 保健社會部令으로 販賣를 目的으로하는 食品 또는 添加物과 前條第1項의 規定에 依하여 規格 또는 基準이 定하여진 器具와 容器・包裝의 標示에 關하여 必要한 基準을 定할수 있다.

② 前項의 規定에 依하여 標示에 關한 基準이 定하여진 食品添加物・器具와 容器・包裝은 그 基準에 맞는 標示가 없으면 이를 販賣하거나 販賣의 目的으로 陳列하거나 營業上 使用하지 못한다.

第10條 (虛偽標示禁止) ① 食品・添加物・器具와 容器・包裝에 關하여 國民保健에 危害를 끼칠 憂慮가 있는 虛偽標示 또는 기타의 虛偽標示를 하지 못한다. (改正 1967.3.30 法1921)

第5章 食品添加物公典

第11條 (食品添加物公典作成) 保健社會部長官은 食品添加物公典을 作成하여 第6條第1項의 規定에 依한 基準과 規格이 定하여진 添加物과 第9條第1項의 規定에 依한 基準이 定하여진 添加物에 關하여 當該基準과 規格을 取録하여야 한다.

Article 7. (Prohibition to sale and use of poisonous or stained apparatus or container-package)

Apparatus or container-package apt to injure human health due to containing or being stained with poisonous or detrimental materials, or apparatus or container-package apt to injure human health due to being in contact with food or additives and thus causing injurious influence hereto, shall neither be sold, nor be manufactured or imported for sale, nor used for business.

Article 8. (Establishment of standards and criterions of apparatus or container-package)

①The Minister of Health and Social Affairs shall, from the point of view of public health, be authorized to set the criterions concerning apparatus or containerpackage intended for sale or used for business, or materials thereof, or to set the standards concerning the method of manufacture thereof.

②When the criterions or standards have been established in accordance with provision of the preceding paragraph, it shall be forbidden to, sell, or manufacture or import for sale, or to use for business any apparatus or container-package contrary to the criterions, or to manufacture apparatus or container-package by methods contrary to the standards.

CHAPTER 4. LABEL

Article 9. (Establishment of standards for labels of foods, additives, apparatus or container-package)

①The Minister of Health and Social Affairs shall, from the point of view of public health, be authorized to set the necessary standards for the labels of food or additives for sale, or of the apparatus or containerpackage for which the criterions or standards are established under the preceding Article Paragraph I.

② The foods, additives, apparatus or container-package for which the standards of labels have been provided under displayed for sale, or used for business, unless they bear the labels in conformity with the standards thereof.

Article 10. (Prohibition to false labels)

With respect to foods, additives, apparatus or containerpackage, false labels or other labels, apt to injure public health, shall be prohibited.

CHAPTER 5. OFFICIAL STANDARDS OF FOOD ADDITIVES

Article 11. (Preparation of official standards of food additives)

The Minister of Health and Social Affairs shall prepare the official standards of food additives and state therein the standards and criterions with respect to the additives whose standards or criterions are set in accordance with the provision of Article 6 paragraph I and the additives whose standards are set in accordance with the provision of Article 9 Paragraph I.

第6章 檢 査

第12條 (製品檢査) ①保健社會部長官또는 서울特別市長·釜山市長또는 道知事は 國民保健上必要하다고 認定 될 때에는 販賣를 目的으로하는 食品·添加物·器具와 容器·包裝의 製品에 關하여 檢査를 할수있다.
(改正 1967.3.30 法1921)

②前項의 規定에 依하여 製品檢査를 할수있는 食品·添加物·器具와 容器·包裝의 種類와 그製品檢査의 方法·節次·手數料 其他檢査에 關하여 必要한 事項은 大統領令으로 定한다. (改正 1967.3.30 法1921)

第13條 (製品檢査의 標示) 保健社會部長官또는 서울特別市長·釜山市長또는 道知事は 前條第1項의 規定에 依하여 製品檢査를 하였을 때에는 保健社會部令의 定하는 바에 依하여 그製品檢査에 合格한 食品·添加物·器具와 容器·包裝에 그뜻을 標示하여야한다. (改正 1967.3.30 法1921)

第14條 (無標示品の 販賣禁止) 第12條 第1項의 規定에 依하여 製品檢査를 받아야할 食品·添加物·器具와 容器·包裝은 그製品檢査에 合格한 뜻의 標示가 없으면 이를 販賣하거나 販賣할 目的으로 陳列하거나 營業上하지 못한다.

第15條 (輸入申告) 販賣를 目的으로 하거나 營業上사용하는 食品添加物器具와 容器또는 包裝을 輸入하고자 하는 者는 保健社會部令으로 定하는 바에의하여 輸入할 때마다 保健社會部長官에게 申告하여야 한다.
(改正 1967.3.30 法1921)

第16條 (臨檢·收去等) ①保健社會部長官·서울特別市長·釜山市長또는 道知事は 必要하다고 인정 할때에는 營業을 하는 者(이하“營業者”라한다) 또는 기타 關係人에 대하여 必要한 보고를 하게 하거나 關係公務員으로 하여금 營業所·事務所·倉庫·製造所·貯藏所·販賣所또는 기타의 場所에 臨檢하여 販賣를 目的으로 하거나 營業上 사용하는 食品·添加物·器具와 容器·包裝·營業施設과 기타의 物件을 檢査하게 하거나 實驗上 必要한 程度의 食品·添加物·器具와 容器 包裝을 無償으로 收去하게 할수 있으며 필요에 따라 營業關係의 帳簿나 書類를 閱覽하게 할 수 있다.

②前項의 境遇에 關係公務員은 臨檢·檢査또는 收去할수 있는 權限을 表示하는 證票를 携帶하여야 하며 關係人에게 이를 提示하여야 한다.

第17條 (食品衛生檢査機關의 指定) ①保健社會部長官또는 서울特別市長·釜山市長또는 道知事は 第12條第1項의 規定에 依한 製品檢査와 前條 第1項의 規定에 依하여 收去한 食品·添加物·器具와 容器·包裝의 實驗에 關한 事務를 行하게 하기爲하여 必要한 公共機關中에서 食品衛生檢査機關을 指定할수 있다.
(改正 1967.3.30 法1921)

CHAPTER 6 INSPECTION

Article 12. (Products inspection)

① The Minister of Health and Social Affairs or the mayors of Seoul and Pusan city, or the provincial governor may from the point of view of public health, conduct necessary inspections on the products of foods, additives, apparatus or container-package for sale.

② Foods, additives, apparatus and container-package to be conducted the products inspection by the Minister of Health and Social Affairs, mayors of Seoul and Pusan cities or the Provincial governor in accordance with the provision of the preceding Paragraph shall be prescribed by regulation, and the methods, procedure and fees of the products inspection and other necessary matters (Excluding the matters to be prescribed by regulation) shall be prescribed by Presidential Ordinance.

Article 13. (Labeling products inspection certificate)

In case where the products inspection by the Minister of Health and Social Affairs or mayor of Seoul and Pusan cities or the Provincial governor under the provision of the preceding Article Paragraph I. has been conducted. the foods, additives, apparatus or container-package having passed the products inspection shall, as prescribed by Ministerial Ordinance, be labelled to that effect.

Article 14. (Prohibition to sale of foods, additives, apparatus or container-package on which is not labelled)

Foods, additives, apparatus or container-package designated to be conducted the products inspection under the provision of Article 12, Paragraph I shall not be sold, displayed for sale or used for business, without the label indicating that they have passed the products inspection.

Article 15. (Statement on import of foods, additives, apparatus or container-package)

An applicant who intends to import foods, additives, apparatus or container-package for sale or to be used for business shall, as prescribed by Ministry of Health and Social Affairs Ordinance, notify to the Minister of Health and Social Affairs case by case.

Article 16. (Visiting inspections and collection, etc.)

① The Minister of Health and Social Affairs, mayors of Seoul and Pusan cities or the Provincial governor shall, when considered necessary, be authorized to request the concerned persons such as those who manage business to present necessary reports, or to make the officials concerned visit the places such as foods, additives, apparatus or container-package for sale or used for business or installations, records, books or to make them collect samples of foods, additives, apparatus or container-package for sale or used for business, without compensation within the limit necessary for analysis.

② The officials concerned shall bring with them the certificate showing their status when they exercise the visiting inspection or collection in accordance with the provision of the preceding paragraph.

Article 17. (Designation of laboratory installation for food sanitary inspection)

① The Minister of Health and Social Affairs or mayors of Seoul and Pusan cities or the Provincial governor shall, when considered necessary, be authorized to request the concerned persons such as those who manage business to present necessary reports, or to make the officials concerned visit the places such as foods, additives, apparatus or container-package for sale or used for business or installations, records, books or to make them collect samples of foods, additives, apparatus or container-package for sale or used for business, without compensation within the limit necessary for analysis.

②前項의 規定에 依하여 食品衛生機關으로 指定된 機關은 正當한 事由 없이 이를 拒絕하지 못한다.

第18條 (食品衛生監視員) ①第16條 第1項의 規定에 依한 關係公務員의 職務를 行하게 하기 爲하여 保健社會部와 서울特別市·釜山市또는 道에 食品衛生監視員을 둔다. <改正 1967.3.30 法1921>

②前項의 規定에 依한 食品衛生監視員의 資格·任命·職務와 其他 必要한 事項은 大統領令으로 定한다. <改正 1967.3.30 法1921>

第7章 營 業

第19條 (食品衛生管理人) ①乳製品·化學的合成品인 添加物其他 및 大統領令으로 定하는 食品및 添加物을 製造또는加工하는 營業者는 그製造 또는加工을 衛生的으로 管理하게 하기 爲하여 그 施設마다 專任의 食品衛生管理人을 두어야 한다. 다만, 營業者自身이 食品衛生管理人이 되어 直接管理하는 施設에 對하여는 例外로 한다. <改正1967.3.30 法1921>

②食品衛生管理人은 當該施設에 있어서 그管理에 屬하는 食品또는添加物에 關하여 이法 또는 이法에 依한 命令또는處分에 違反되지 아니하도록 그食品또는添加物의 製造또는加工에 從事하는 者를 監督하여야 한다. <改正 1967.3.30 法1921>

③食品衛生管理人의 資格과 其他必要한 事項은 大統領令으로 定한다. <改正 1967.3.30 法1921>

第20條 (遊興營業從事者의 登錄等) ①飲食店營業中保健社會部令으로 定하는 業種 (以下遊興營業이라 한다)을 除外하고는 食品의 加工調理等勞役以外的 遊興에 從事하는 者를 두어서는 아니된다.

②前項의 規定에 依한 遊興營業에 從事하고자 하는 者는 서울特別市·釜山市또는 道에 登錄하여야 하며 遊興營業者는 登錄되지 아니한 者를 營業에 從事 시킬수 없다.

vincial governor shall have designated a necessary inspection laboratory sufficient enough to carry out the products inspection under the provision of Article 12 paragraph I, and to manage the affairs relating to examination of samples of foods, additives, apparatus or container-package collected in accordance with the provision of paragraph I of the preceding Article

② Laboratories designated as the installation for sanitary inspection of foods shall not reject to accept the designation without justifiable reasons.

Article 18. (Food sanitary inspectors)

① The Ministry of Health and Social Affairs, Seoul and Pusan city or Provinces establishing health center shall have food sanitary inspectors to make them exercise the authorities of the officials provided for in Article 16 paragraph I and the duties to instruct people relating to food sanitation.

② In addition to those as provided for in the preceding paragraphs, the qualification of food sanitary inspectors and other necessary matters relating to food sanitary inspectors shall be prescribed by Presidential Order.

CHAPTER 7. BUSINESS

Article 19. (Food sanitarian)

① The business manager who performs manufacture or process of dairy products, chemical synthetic additives, and other foods or additives as prescribed by Presidential Order which specially need sanitary consideration in the course of manufacture or process shall, in each installation, have a full time food sanitarian, in order to make him sanitarian the manufacture or process concerned. Provided that, this shall not apply with respect to the installation which is administered by the business manager himself as a food sanitarian.

② The food sanitarian shall, in order to prevent violation of this Law, or Order or dispositions based on this Law with respect to foods or additives pertaining to the administration in the installation, supervise the employers engaged in manufacturing or processing the foods or additives.

③ The qualification of food sanitarian and other necessary matters shall be prescribed by Presidential Order.

Article 20. (Registration of employee in amusement business)

① Except for the kinds of business as stipulated by an Order of the Ministry of Health and Social Affairs (hereinafter referred to as the amusement business) restaurants shall not be allowed to employ persons engaged in amusement in addition to those engaged in such labor services as processing or cooking of foods.

② A person desiring to engage himself in the amusement business in accordance with the provision of the preceding paragraph shall have to register at Seoul and Pusan cities or province, and a person running amusement business shall not let a person, who is not registered, engage in the business.

③前項의 規定에 依한 登錄對象者의 範圍·登錄의 申請·登錄證의 交付·登錄의 取消와 遊興營業者및 本條에 依하여 登錄된 從事者의 遵守事項其他必要한 事項은 保健社會部令으로 定한다.

第21條 (健康診斷) ①食品및 添加物의 採取·製造·加工·調理·貯藏또는 販賣하는 營業에 從事하는 者는 健康診斷을 받아야 한다.

②前項의 規定에 依하여 健康診斷을 받은 結果 他人에게 危害를 끼칠 憂慮가 있는 疾病이 있다고 認定된 者는 그營業에 從事하지 못한다.

③營業者는 前 2項의 規定에 依한 健康診斷을 받지 아니한 者나 健康診斷의 結果 他人에게 危害를 끼칠 憂慮가 있는 疾病이 있다고 認定된 者를 그 營業에 從事시키지 못한다.

④第1項및 第2項의 規定에 依한 健康診斷의 實施方法 및 營業에 從事하지 못하는 疾病의 種類와 其他必要한 事項은 保健社會部令으로 定한다.

第22條 (施設基準) ①飲食店營業·기타 大統領令이 정하는 營業은 保健社會部令으로 정하는 業種別施設基準에 적합하여야 한다. <改正 1967.3.30 法1921>

第23條 (營業許可) ①前條의 規定에 依한 營業을 하고자 하는 者는 大統領令의 定하는 바에 依하여 保健社會 部長官또는 서울特別市長·釜山市長 또는 道知事의 許可를 받아야 한다. 營業場所또는 施設을 變更할때에도 또한 같다. <改正 1967.3.30 法1921>

②保健社會部長官 또는 서울特別市長 釜山市長또는 道知事는 前項의 規定에 依한 許可를 할때에는 必要한 條件을 附할 수 있다. <改正 1967.3.30 法1921>

③前條의 規定에 의하여 정하여진 營業中化學的合成品인 添加物製造業과 大統領令이 정하는 食品製造業또는 添加物製造業에 있어서는 그製造品目마다 保健社會部長官·서울特別市長·釜山市長또는 道知事의 許可를 받아야 한다. 製造品目を 變更하거나 追加할 때에도 또한 같다. <新設 1967.3.30 法1921>

④第1項의 規定에 의하여 營業許可를 받은 者가 그營業을 開業·休業·再開業또는 廢業하고자 할때에는 保健社會部令으로 정하는 바에 依하여 保健社會部長官·서울特別市長·釜山市長또는 道知事에게 申告하여야 한다. <新設 1967.3.30 法1921>

③ To be stipulated by an Order of the Ministry of Health and Social Affairs are the scope of persons requiring the registration in accordance with the provision of the preceding paragraph, application for registration, issuance of registration certificates, cancellation of registration, matters to be observed by the persons running the amusement business and those engaged therein, who have been registered in accordance with this Article, and other necessary matters.

Article 21 . (Physical examination)

- ① A person engaged in the business of collecting, manufacturing, processing, cooking, storing or selling of foods and appendages shall have to take physical examination.
- ② A person who is considered, as the result of the physical examination taken in accordance with the provision of the preceding paragraph, as being possessed of a disease which is likely to cause dangers or harms to other persons, shall not be permitted to engage in the business.
- ③ A business man shall not let a person, who has not taken physical examination in accordance with the provision of the preceding paragraph, or a person, who is considered as the result of the physical examination as being possessed of a disease which is likely to cause harms or dangers to other persons, engage in the business.
- ④ The method or procedure of conducting physical examination in accordance with the provision of paragraph 2, the kinds of diseases which prohibit a person from being engaged in the business, and other necessary matters shall be stipulated in an Order of the Ministry of Health and Social Affairs.

Article 22 . (Standards of business installations)

Restaurants and other business by the Presidential Order is concerned to the standards of business installations with according to classification by the Ministry of Health and Social Affairs.

Article 23 . (Business permission)

- ① A person desirous to carry on the business as provided for in the preceding Article shall obtain the permission of the mayors of Seoul and Pusan cities, or Provincial governor in accordance with the provisions of the Ministry Ordinance.
- ② When granting a permission in accordance with the provision of the preceding paragraph, the Minister of Health and Social Affairs, the mayors of Seoul and Pusan cities or Provincial governor may entail necessary conditions thereto.
- ③ Out of the business as determined by the provisions of the preceding Article, in the manufacturing business of the food additives which are chemical compounds, food manufacturing business under Presidential Order or manufacturing business of food additives, each manufacturing item shall be approved by the Minister of Health and Social Affairs, or mayors of Seoul and Pusan cities or the Provincial governor, the same shall apply in case of changes in the manufacturing items or adding more items.

第23條의 2 (營業許可의 制限) 다음 各號의 1에 해당하는 때에는 前條第1項의 規定에 의한 許可를 하지 아니한다.

1. 當該營業의 施設이 第22條의 規定에 의한 業種別施設 基準에 적합하지 아니한때
2. 當該營業의 施設이 第24條내지 第26條의 規定에 의하여 許可가 取消된 때에는 그 取消된 날로부터 1년이 경과하지 아니한때
3. 申請者(申請者가 法人인 때에는 그業務를 行使하는 機關을 포함한다)가 第24條내지 第26條의 規定에 의하여 許可가 取消된 者인 때에는 그取消된 날로부터 1년이 경과하지 아니한때(新設 1967.3.30 法1921)

第24條 (廢棄處分等) 保健社會部長官 또는 서울特別市長·釜山市長 또는 道知事は 營業者가 第3條乃至 第5條·第6條第2項·第7條·第8條第2項 또는 第10條의 規定에 違反하였을 때에는 營業者 또는 關係公務員으로 하여금 그 食品·添加物·器具와 容器·包裝을 廢棄하게 하거나 其他 營業者에 對하여 食品衛生上の 危害를 除去하기 爲하여 必要한 措置를 할것을 命하고 또는 營業許可의 全部 또는 一部를 取消하거나 期間을 定하여 營業을 停止시킬 수 있다. (改正 1967.3.30 法1921)

第25條 (營業許可 등의 取消) ①保健社會部長官 또는 서울特別市長·釜山市長 또는 道知事は 營業者가 第9條第2項·第14條·第19條第1項·第20條·第21條第3項·第23條第3項·第4項 또는 第27條의 規定 또는 第23條第2項의 規定에 의한 條件에 違反하였을 때에는 營業許可의 全部 또는 一部를 取消하거나 期間을 定하여 營業을 停止시킬 수 있다. (改正 1967.3.30 法1921)

②保健社會部長官·서울特別市長·釜山市長 또는 道知事は 營業者가 前條 또는 前項에 의한 營業의 停止命令을 違反하여 繼續으로 營業行爲를 하는 때에는 그營業의 許可를 取消할 수 있다. (改正 1967.3.30 法1921)

③保健社會部長官·서울特別市長·釜山市長 또는 道知事は 第23條 第1項의 規定에 의하여 營業의 許可를 받은 者 또는 營業中인 者가 正當한 理由없이 繼續하여 6月以上 休業하는 때에는 그營業의 許可를 取消할 수 있다. (改正 1967.3.30 法1921)

第26條 (施設의 改修命令等) ①保健社會部長官 또는 서울特別市長·釜山市長 또는 道知事は 營業者가 그營業의 施設에 關하여 第22條의 規定에 의한 施設 基準에 違反하였을 때에는 期間을 定하여 施設의 改修를 命할 수 있다. (改正 1967.3.30 法1921)

②保健社會部長官 또는 서울特別市長·釜山市長 또는 道知事は 營業者가 前項의 規定에 의한 期間內에 施設의 改修를 하지 아니한 때에는 營業許可의 全部 또는 一部를 取消하거나 期間을 定하여 營業을 停止시킬 수 있다. (改正 1967.3.30 法1921)

(鄭 文 植 校閱)

④ In case persons who have obtained the license of the business in accordance with the provisions of paragraph I, intend to open, suspend re-open or close down the business, they shall report it to the Minister of Health and Social Affairs, mayors of Seoul and Pusan cities or provincial governor in accordance with a Ministerial Order.

Article 23-2 (Restrictions on license of business)

In case of falling under one of the following items, the license under the provisions of paragraph I of the preceding Article shall not be granted:

- ① In case the facilities of the business under the provisions of Article 22;
- ② In case the license of the facilities of the business concerned has been cancelled in accordance with the provisions of Article 24 through 26 if one year has not elapsed since the date of cancellation of the license; and
- ③ In case applicants former licenses were cancelled (if the applicants are juridical persons, organizations performing the business concerned shall be included) in accordance with the provisions of Article 26 if one year has not elapsed since the date of the cancellation.

Article 24 . (Disuse of disposition, cancellation of permission, prohibition or suspension of business)

In case where a business manager has violated the provisions of Article 3 to 6 inclusive, Article 6 paragraph 2, Article 7, Article 8 paragraph 2 or Article 10, the Minister of

Health and Social Affairs, mayors of Seoul and Pusan cities or the Provincial governor shall be authorized cause such business manager or the officials concerned to disuse such food, additives, apparatus or container-package, to order the business manager to take necessary measures for eliminating danger on food sanitation, to cancel the permission under whole or a part of the operation of business or to suspend by fixing the term thereof.

Article 25 . (Cancellation of business permission, prohibition or suspension of business)

In case where a business manager has violated the provisions of Article 9 paragraph 2, Article 14, Article 19 paragraph 1, Article 20, Article 21 paragraph 3, Article 23 paragraph 3 and 4, Article 27 or the conditions under the provision of authorized to cancel the permission, or to prohibit the whole or a part of the operation of business, or to suspend by fixing the term thereof.

Article 26 . (Order to improve the installation, cancellation of business permission and prohibition or suspension of business)

In case where a business manager has violated the standards for installation of business of under the provision of Article 22, the mayors of Seoul and Pusan cities or the Provincial governor shall be authorized to order improvement of the sanitary conditions of the installations, to cancel the permission, to prohibit the whole or the operation of business or to suspend by fixing the term thereof.