

★附 錄★

◎ 食品衛生法

{1962. 1. 2 法律第1007號}

改正{1967. 3. 30 法律第1921號}

改正{1973. 2. 16 法律第2532號}

第 8 章 調理士 및 營養士

第27條 (調理士) 大統領令의 定하는 飲食店과 集團給食所에서는 調理士를 두어야한다. 다만 飲食店の 營業者와 集團給食所의 營業者自身이 調理士가되어 直接飲食을 調製하는 飲食店과 集團給食所에 對하여는 例外로한다.

第28條 (營養士) 大統領令의 定하는 集團給食所에는 營養士를 두어야한다. 다만 集團給食所의 經營者 自身이

營養士가 되어 直接營業의 指導에 從事하는 集團給食所에 있어서는 例外로한다.

第29條 (調理士免許) 調理士가 되고자 하는者は 다음 各號의 1에 該當하는者로서 서울特別市長, 釜山市長 또는 道知事의 免許를 받아야한다.

1. 保健社會部長官이 指定하는 學校 또는 養成機關을 修了한者.
2. 調理士資格試驗에 合格한者.
3. 外國에서 調理士免許를 받은者로서 保健社會部長官이 適當하다고 認定하는者.

第30條 (營養士의 免許) 營養士가 되고자하는者は 다음 各號의 1에 該當하는者로서 保健社會部長官의 免許를 받아야한다.

1. 保健社會部長官이 指定하는 學校 또는 養成機關을 修了한者.
2. 削 除
3. 外國에서 營養士免許를 받은者로서 保健社會部長官이 適當하다고 認定하는者.

第31條 (缺格事由) 다음 各號의 1에 該當하는者は 調理士 또는 營養士가 될 수 없다.

FOOD SANITATION LAW

(Law No. 1007, January 20, 1962)

(Law No. 1921, March 30, 1967 First Revision)

(Law No. 2532, February 16, 1973, Second Revision)

CHAPTER VIII. COOK AND DIETICIAN

Article 27. (Cooks)

Cooks shall have to be placed at restaurants and mass feeding centers prescribed in a Presidential Order, except for those restaurants and mass feeding centers where the persons running the restaurants or the mass feeding centers cook the food and drink themselves as cooks.

Article 28. (Dieticians)

Dieticians shall have to be employed at mass feeding centers prescribed in a Presidential Order except for those mass feeding centers where the persons running the collective centers directly conduct the guidance in nutrition as dieticians.

Article 29. (License for cook)

A person desiring to become a cook shall be a person following under the category of any of the following items, and obtain license from the mayors of Seoul Special city and Pusan city or the Provincial Governors;

- 1) A person who has completed the course at a school or a training agency designated by the Minister of Health and Social Affairs.
- 2) A person who has passed the examination for qualification of cook;
- 3) A person who has received in a foreign country a license for a cook, and who is considered by the Minister of Health and Social Affairs as proper.

Article 30. (License for dietician)

A person desiring to become a dietician shall be a person falling under the category of any of the following items, and receive a license from the Minister of Health and Social Affairs.

- 1) A person who has completed the course at school or a training agency designated by the Minister of Health and Social Affairs;
- 2) Cancel
- 3) A person who has received in a foreign country a license for a dietician, and who is considered by the Minister of Health and Social Affairs as proper.

Article 31. (Causes to lack qualification)

A person who falls under the category of any of the following items shall not become a cook or a dietician.

1. 精神病患者 또는 心身衰弱者
2. 傳染病患者
3. 麻藥 其他 有毒性物質에 中毒된者
4. 品行이 極히 不良한 者로서 調理士 또는 營養士로서 不適當하다고 認定되는者

第32條 (免許取消) 保健社會部長官 또는 서울特別市長, 釜山市長 또는 道知事は 營養士가 다음 各號의 1에 該當하게 되었을때에는 免許를 取消한다.

1. 前條各號의 1에 該當하게 되었을 때
2. 調理士가 그 調理業務에 있어서 食中毒 其他衛生上 重大한 事故를 發生하게 하였을 때

第33條 (名稱使用의 禁止) 調理士 또는 營養士가 아니면 調理士 또는 營養士라는 名稱을 使用하지 못한다.

第34條 (委任事項) 調理士의 資格試驗과 調理士 및 營養士의 免許, 手數料, 學校 및 養成機關의 指定 其他 必要한 事項은 保健社會部令으로 定한다.

第34條의 2 (國民營養調查 및 指導)

- ① 保健社會部長官은 國民營養을 改善하기 위하여 國民營養調查를 實施한다.
- ② 國民營養調查事務에 從事하게 하기위하여 서울特別市, 釜山市 및 道에 國民營養調查員을 둔다.
- ③ 서울特別市, 釜山市 및 道에는 營養指導員을 두어 給食, 營養에 關한 知識의 向上 및 食品의 調理方法改善等に 必要한 援助 및 指導業務를 行하게 한다.
- ④ 國民營養調查의 方法, 項目, 國民營養調查員 및 營養指導員의 資格, 任命 其他 國民營養調查實施에 關한 事項 및 營養指導에 關하여 必要한 事項은 大統領令으로 定한다.

第9章 食品衛生審議委員會

第35條 (食品衛生審議委員會) 保健社會部長官의 諮問에 依하여 다음 各號의 事項을 調查審議하게 하기 爲하여 保健社會部에 食品衛生審議委員會(以下 委員會라한다)를 둔다.

- 1) A lunatic or a person with mental or physical weakness;
- 2) A patient suffering from an infectious disease;
- 3) A person addicted to drugs or other poisonous materials; and
- 4) A person with extremely bad conduct, who is considered not suitable as a cook or a dietician.

Article 32. (Cancellations of license)

When a cook or a dietician has fallen under the category of any of the following items, the Minister of Health and Social Affairs, or the mayors of Seoul special city and Pusan city or the Provincial Governors shall cancel license thereof.

- 1) When they have become to correspond to any of to various items enumerated in the foregoing Article; and
- 2) When a cook has caused food poisoning or other sanitary accident in the performance of cooking.

Article 33. (Ban of use of title)

A person who is neither a cook nor a dietician shall not use the title of a cook or dietician.

Article 34- (Matters to be consigned)

To be determined by an order of the Ministry of Health and social Affairs are the examination for qualification of the cook and licensing, fees, designation of schools and training institutes, and other necessary matters for cook or dietician.

Article 34-2 (National nutrition survey and guidance)

- 1) The Minister of Health and Social Affairs shall survey the nutritive conditions of the people for the purpose of improving the conditions.
- 2) National nutrition survey workers shall be installed in the provinces in order to have them engage in the survey affairs.
- 3) In the provinces, nutrition guidance workers shall be installed, and they shall perform the affairs of assistance and guidance necessary for improvement of the knowledges on feeling and nutrition, and methods, improvement, etc. of cooking foods.
- 4) Matters on the methods, items of surveys of the nutritive conditions of the people, and qualifications, appointments of the people, nutrition survey workers and nutrition guidance workers and matters necessary for the enforcement of the survey of the nutritive conditions of the people and nutrition guidance shall be determined by a Presidential Order.

CHAPTER IX. FOOD SANITARY INVESTIGATION COUNCIL

Article 35. (Food Sanitary Investigation Council)

The Food Sanitary Investigation Council (Hereinafter referred to as the council) shall be es-

- 食中毒防止에 관한 事項
- 食品添加物公典作成에 관한 事項
- 食品 및 添加物の 基準과 規格의 制定에 관한 事項
- 食品衛生과 玩具品衛生에 관한 事項
- 其他重要한 事項

條 (委任事項) 委員會의 組織과 運營에 關하여 必要한 事項은 大統領令으로 定한다.

第10章 雜 則

7條 (國庫補助) 保健社會部長官은 每年度 豫算의 範圍內에서 다음 各號의 經費의 全部 또는 一部를 補助할 있다.

- 第16條第12項(第40條에서 準用하는 境遇를 包含한다)의 規定에 依한 収去에 要하는 經費
- 第17條(第40條에서 準用하는 境遇를 包含한다)의 規定에 依한 食品衛生檢査機關에서의 檢査와 實驗에 要하는 經費
- 第18條 第1項의 規定에 依한 食品衛生監視員에 要하는 經費
- 第21條(第40條에서 準用하는 境遇를 包含한다)의 規定에 依한 健康診斷實施에 要하는 經費
- 第24條(第40條에서 準用하는 境遇를 包含한다)의 規定에 依한 廢棄에 要하는 經費
- 第39條(第40條 第1項에서 準用하는 境遇를 包含한다)의 規定에 依한 死體의 解剖에 要하는 經費

38條 (食中毒에 關한 調查報告)

① 食品, 添加物, 器具와 容器, 包裝에 起因하여 中毒을 이르킨 患者 또는 그 疑心이 있는 者를 診斷하였거나 그 死體를 檢案한 醫師는 遲滯없이 管轄保健所長 또는 支所長에게 報告하여야 한다. 다만 保健所와 그 支所가 없는 境遇에는 서울特別市長 또는 市邑面長에게 報告하여야 한다.

tablished at the Ministry of Health and Social Affairs to have it investigate and examine the matters enumerated in each of the following items upon request of the Minister of Health and Social Affairs.

- 1) Matters concerning prevention of food poisoning;
- 2) Matters concerning preparation of official standards of food additives;
- 3) Matters pertaining to the regulation of criteria and standards for foods and food additives;
- 4) Matters pertaining to foods sanitation and hygiene of toys;
- 5) Other important matters.

Article 36. (Matters to be consigned)

Matters necessary with regard to the organization and operation of the council shall be stipulated in a Presidential Order.

CHAPTER X. MISCELLANEOUS PROVISIONS

Article 37. (Supporting by National funds or expenditure)

The Minister of Health and Social Affairs may disburse as subsidies, within the limit of the budget every year, the whole or Parts of the expenses enumerated in each

- 1) Expenses required to conduct the taking away of materials in accordance with the provision of paragraph 1 of Article 16 (including the case in which the provision is applied with necessary modifications in accordance with Article 40)
- 2) Expenses required for inspection and experiment at the institute agency for sanitary inspection of food in accordance with the provision of Article 17 (including the case in which the provision is applied with necessary modifications in accordance with Article 40)
- 3) Expenses required for watchmen for food sanitation prescribed in paragraph 1 of Article 18
- 4) Expenses required for the performance of the physical examination in accordance with the provision of Article 21 (including the case in which the provision is applied with necessary modifications in accordance with Article 40);
- 5) Expenses required for the abandonment as prescribed in Article 24 (including the case in which the provision is applied with necessary modifications in accordance with Article 40);
- 6) Expenses required for autopsy of a corpse as prescribed in Article 39 (including the case in which the provision is applied with necessary modifications in accordance with Paragraph 1 of Article 40);

Article 38. (Investigation and report on food poisoning)

- 1) A medical doctor who has conducted physical examination of a patient who was poisoned by foods, additives, apparatus and container-package or a person who is suspected of having been poisoned, or a medical doctor who has autopsy there of shall report without delay to the chief of the Health Center or the chief of a branch there of, having jurisdiction thereover.

② 保健所長, 그 支所長 또는 서울特別市長, 市, 邑, 面長은 前項의 規定에 依한 報告를 받았을때에는 大統領令의 定하는바에 依하여 遲滯없이 그 眞狀을 調査하고 市, 邑, 面長은 道知事에게 報告하여야한다. 이 境遇에 支所長은 保健所長을, 邑, 面長은 郡守를 거쳐서하여야한다.

서울特別市長 또는 道知事は 前項의 規定에 依한 調査를 하였거나 報告를 받았을때에는 大統領令이 定하는바에 依하여 遲滯없이 保健社會部長官에게 報告하여야한다.

第39條 (死體解剖)

① 保健社會部長官 또는 서울特別市長, 釜山市長 또는 道知事は 食品, 添加物, 器具와 容器, 包裝에 起因한 疾病 또는 그에 起因하였다고 疑心되는 疾病으로 死亡한者의 死體를 그 遺族의 同意를 얻어 解剖할 수 있다.

② 前項의 경우에 있어서는 死體를 解剖하지 아니하고서는 原因을 判明할 수 없고 그로因하여 國民保健에 重大한 危害를 끼칠憂慮가있다고 認定할때에는 遺族의 同意를받지 아니하여도 그遺族에게 通知를 한 後에 死體를 解剖할 수 있다.

③ 前2項의 規定은 刑事訴訟法의 規定에 依한 強制處分을 排除하지 아니한다.

④ 第1項 또는 第2項의 規定에 依하여 死體를 解剖할때에는 特히 禮儀를 지켜야한다.

第40條의 1 (玩具品 및 集團給食所에의 準用規定)

① 乳幼兒가 接觸하므로써 그健康에 害를끼칠 憂慮가있는 玩具品으로서 保健社會部長官이 指定하는것에 關하여서는 第3條, 第5條, 乃至 第10條, 第12條, 乃至 第17條, 第19條乃至 第26條, 第38條 및 前條의 規定을 準用한다.

② 集團給食所에 對하여는 第7條乃至 第9條, 第14條, 第16條, 第17條, 第21條, 第22條, 第24條 乃至 第26條의 規定을 準用한다.

In case there exists no the Health Center or a branch thereof, the report shall be made to the Mayor of the Special City of Seoul, the Mayor, or the head of township(eup) or Myun.

2) When having received a report prescribed in the foregoing paragraph, the chief of the Health Center, the chief of the branch thereof, the mayor of the Special City of Seoul, the mayor, or the head of the township or myun shall conduct investigation of the real circumstances without delay, and the mayor or the head of the township or myun shall report to the provincial Governors.

In this case, the chief of a branch clinic shall make the report through the chief of the Health Center, and the head of township or Myun through the head of the county.

3) When having conducted investigation or having received a report prescribed in the foregoing Paragraph, the Mayor of the Special City of Seoul or the Provincial Governor shall make a report without delay to the Minister of Health and Social Affairs in accordance with the provisions of a Presidential Order.

Article 39. (Autopsy of corpse)

1) The Minister of Health and Social Affairs, the Mayors of the Seoul and Pusan City of the Provincial Governors may with the consent of the bereaved family thereof, conduct autopsy of a person who has died of a disease, or a disease suspected of having been caused thereby, caused by foods, additives, apparatus or container-package.

2) When in the case referred to in the foregoing Paragraph, it is considered to find out the cause of death without autopsy of the corpse, thereby causing a fear of bringing grave dangers or harms to the public health of the people, the corpse may be autopsy after a notification to bereaved family thereof without a consent of the bereaved family.

3) The provisions of the 2) foregoing Paragraph shall not exclude compulsory dispositions prescribed in the Law of Criminal Procedures.

4) When conducting autopsy of corpse in accordance with the provisions of Paragraph 1 or or Paragraph 2 special courtesy shall be paid to the corpse.

Article 40-1 (Provisions to be applied with necessary modifications to toys and mass feeding centers)

The provisions of Article 3, Article 5 through Article 10, Article 12 through Article 17, Article 19 through Article 26, Article 38 and of the foregoing Article shall be applied with necessary modifications to the toys which are likely to cause harms to babies who touch them, and which are designated by the Minister of Health and Social Affairs.

2) The provisions of Article 7 through Article 9, Article 14, Article 16, Article 17, Article 21, Article 22, and Article 24 through Article 26 shall be applied with necessary modifications to the mass feeding centers.

第40條의 2 (同業者組合)

- ① 第23條 第1項의 規定에 의하여 許可를 받아 營業을 하는者는 그 營業의 健全한 發展을 도모하고 國民保健向上에 寄與하기 위하여 業種別로 同業者組合을 設立할 수 있다.
- ② 同業者組合은 그 共同의 目的을 達成하기 위하여 同業者組合聯合會를 設立할 수 있다.
- ③ 第①項의 同業者組合과 前項의 同業者組合聯合會는 각각 法人으로 한다.
- ④ 同業者組合 및 同業者組合聯合會를 設立하고자 하는者는 大統領令이 定하는 바에 의하여 地區를 定하여 그 地區內의 組合員의 資格이 있는者의 3分之2 以上의 同意를 얻어 創立總會를 開催하고 定款 其他 必要한 事項을 定하여 保健社會部長官의 許可를 받아야 한다.
- ⑤ 同業者組合 및 同業者組合聯合會에 關하여 必要한 事項은 大統領令으로 定한다.

第40條의 3 (委任規定) 이法에 依한 保健社會部長官, 서울特別市長, 釜山市長, 또는 道知事의 權限의 一部를 大統領令이 定하는 바에 의하여 區廳長, 市長, 郡守 또는 保健所長에게 委任할 수 있다.

第41條 (施行令) 이法 施行에 關하여 必要한 事項은 大統領令으로 定한다.

第11章 罰 則

第42條 削 除

第43條 (罰則)

- ① 第3條(第40條 第1項에서 準用하는 境遇를 包含한다) 第4條 또는 第5條(第40條 第1項에서 準用하는 境遇를 包含한다)의 規定에 違反한 者는 3年以下의 懲役 또는 50萬圓 以下의 罰金에 處한다.
- ② 前項의 境遇에 懲役과 罰金은 이를 併科할 수 있다.

Article 40-2(Trade Association)

- 1) The person who have obtained the permission in accordance with the provisions of Article 23, Paragraph 1 and perform the business may establish trade associations by the types of business for the purpose of seeking sound development of the business and contributing to improvement of public health.
- 2) The trade associations may establish a federation of the trade associations in order to achieve the common objectives.
- 3) The trade associations under Paragraph 3 and the federation of the trade associations shall be juridical persons.
- 4) Persons who intend to establish the trade associations and federation of trade associations shall determine districts in accordance with a Presidential Order, and obtain the consent of two-thirds or more of the persons who have the qualifications of the association member, hold an inaugural general meeting, and enact articles of associations and other matters, and then obtain approval from the Minister of Health and Social Affairs.
- 5) Matters necessary for the trade associations and federation of the trade associations shall be determined by a Presidential Order.

Article 40-3(Provisions on Delegation)

Part of the authority of the Minister of Health and Social Affairs, Mayor of the Special City of Seoul, Mayor of Pusan City and Provincial Governors under this Law may be delegated to the Chiefs of the ward offices, mayors, county chiefs or chief of the Health center in accordance with a Presidential Order.

Article 41. (Detailed regulations for the enforcement)

Matters necessary with regard to the enforcement of this Law shall be stipulated in a Presidential Order.

CHAPTER XI. PENAL PROVISIONS

Article 42. (Cancel)

Article 43. (Penal Provisions)

- 1) A person who has violated the Provisions of Article 3 (including the case in which this provision is applied with necessary modifications in accordance with Paragraph 1 of Article 4, Article 4, or Article 5 (including the case in which the said provision is applied with necessary modifications in accordance with Paragraph 1 of Article 40)), shall be sentenced to imprisonment for a term not exceeding three years or to a fine in an amount not more than 500,000 won.
- 2) In the case referred to in the foregoing Paragraph an imprisonment and a fine may be imposed thereupon concurrently.

44條 (同前)

- ① 第6條 第2項(第40條 第1項에서 準用하는 境遇를 包含한다) 第7條(第40條에서 準用하는 境遇를 包含한다) 第15條(第40條 第1項에서 準用하는 境遇를 包含한다) 또는 第23條第1項(第40條 第1項에서 準用하는 境遇를 包含한다)의 規定에 違反한者는 3年以下의 懲役 또는 20萬원以下의 罰金에 處한다.
- ② 前項의 境遇에 懲役과 罰金은 이를 併科할 수 있다.

45條 (同前)

다음各號의 1에 該當하는者는 1年以下의 懲役 또는 10萬원以下의 罰金에 處한다.

1. 第8條 第2項(第40條에서 準用하는 境遇를 包含한다), 第9條 第22項(第40條에서 準用하는 境遇를 包含한다), 第10條(第40條 第1項에서 準用하는 境遇를 包含한다), 第19條 第1項 第23條 第3項 또는 第38條 第1項(第40條 第1項에서 準用하는 境遇를 包含한다)의 規定에 違反한者.
2. 第22條(第40條에서 準用하는 境遇를 包含한다)의 規定에 依한 施設基準 또는 第23條第2項(第40條 第1項에서 準用하는 境遇를 包含한다)의 規定에 依한 條件에 違反한者.
3. 第24條 乃至 第26條(第40條에서 準用하는 境遇를 各各 包含한다)의 規定에 依한 處分 또는 命令에 違反한者
4. 第27條 또는 第28條의 規定에 違反한者

46條 (同前) 다음各號의 1에 該當하는者는 5萬원以下의 罰金에 處한다.

1. 第16條第1項(第40條에서 準用하는 境遇를 包含한다)의 規定에 依한 關係公務員의 臨檢, 檢査 또는 收取를 拒否하거나 妨害 또는 忌避한者.
2. 第23條의 規定에 違反한者
3. 이법에 依한 報告 또는 申告를 하지아니하거나 虛僞의 報告 또는 申告를한者

Article 44. (Ditto)

1) A person who has violated the provisions of Paragraph 2 of Article 6 (including the case in which the said provision is applied with necessary modifications in accordance with Paragraph 1 of Article 40), Article 7 (including the case in which the said provision is applied with necessary modifications in accordance with the provision is applied with necessary modifications in accordance with paragraph 1 of Article 40), or paragraph 1 of Article 23 (including the case in which the said provision is applied with necessary modifications in accordance with paragraph 1 of Article 40), shall be sentenced to imprisonment for a term not exceeding three years or a fine in an amount not more than ₪200,000.

2) In the case referred to in the foregoing paragraph, imprisonment and a fine may be imposed thereupon concurrently.

Article 45. (Ditto)

A person who falls under the category of any of the following items shall be sentenced to imprisonment for a term not exceeding one year or a fine in an amount not more than ₪100,000.

1) A person who has violated the provisions of paragraph 2 of Article 8 (including the case in which the said provision is applied with necessary modifications in accordance with Article 40), paragraph 2 of Article 9 (including the case in which the said provision is applied with necessary modification is applied with necessary modification in accordance with Article 40), Article 10 (including the case in which the said provision is applied with necessary modifications in accordance with paragraph 1 of Article 40), paragraph 1 of Article 19, paragraph 1 of Article 23 or paragraph 1 of Article 14 (including the case in which the said provision is applied with necessary modifications in accordance with paragraph 1 of Article 40). 38

2) A person who has violated the criteria for facilities as provided for in Article 22 (including the case in which the provision is applied with necessary modifications in accordance with Article 43 as provided for in paragraph 2 of Article 23 (including the case in which the provision is applied with necessary modifications in accordance with paragraph 1 of Article 40));

3) A person who has violated a disposition or an order made or issued in accordance with the provision of Article 24 through Article 26 (including the cases, respectively, in which the provisions are applied with necessary modifications in accordance with Article 40); and

4) A person who has violated the provisions of Article 27 or Article 28.

Article 46. A person who falls under the category of any of the following items shall be fined in an amount less than ₪50,000.

1) A person who has refused, disturbed or avoided on-the-spot inspection, inspection or taking away of materials by public officials concerned as provided for the paragraph 1 of Article 16 (including the case in which the said provision is applied with necessary modifications in accordance with Article 40);

第47條 (雙罰規定)

法人的 代表者 또는 法人 또는 個人的代理人, 使用人 其他 從業員이 그 法人 또는 個人的 業務에 關하여 第43條 乃至 前條의 違反行爲를 하였을 때에는 行爲者를 處罰하는 外에 그 法人 또는 個人에 對하여도 各各 本條의 罰金刑을 科한다.

附 則

이법은 公布한 날로부터 施行한다. (1973. 2. 16)

追記: 本法律은 第2次改正案이 지난 1973. 2. 16 法律第2532號로 公布되었기에 이번 掲載分은 改正된 그대로 記載하였으나 第1條~26條까지의 改正內容은 追後 單行本으로 出版時에 訂正할 것을 添言합니다.

金 碩 根 譯
鄭 文 植 校閱

- 2) A person who has violated with provision of Article 33; and
- 3) A person who has not made a report prescribed in this Law or a person who has made a false report.

Article 47. (Provision for concurrent punishment)

When a representative of a juridical person, or a proxy, employee or any other person working for juridical person or an individual has committed an act of violation as referred to in Article 43 through the foregoing Article, the juridical person or the individual shall be imposed with a penalty of fine as prescribed in the respective Articles, in addition to the punishment of the person who has committed the violation.

SUPPLEMENTARY PROVISIONS

First Revision Law No.1921, March 30, 1967.

Second Revision Law No.2532, February 16, 1973.

This Law shall come into force as from the date of its promulgation February, 16, 1973.