



中华人民共和国食品卫生法

Food Hygiene Law of the People's
Republic of China

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(1995年10月30日第八届全国人民代表大会常务委员会第十六次会议通过 1995年10月30日中华人民共和国主席令第59号公布 自公布之日起施行)

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第一章 总 则

第一条 为保证食品卫生,防止食品污染和有害因素

Food Hygiene Law of the People's Republic of China

(Adopted at the 16th Meeting of the Standing Committee of the
Eighth National People's Congress on October 30, 1995,
promulgated by Order No. 59 of the President of the
People's Republic of China on October 30, 1995, and
effective as of the date of promulgation)

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Chapter I General Provisions

Article 1 This Law is enacted for the purpose of ensuring food

对人体的危害,保障人民身体健康,增强人民体质,制定本法。

第二条 国家实行食品卫生监督制度。

第三条 国务院卫生行政部门主管全国食品卫生监督管理工作。

国务院有关部门在各自的职责范围内负责食品卫生管理工作。

第四条 凡在中华人民共和国领域内从事食品生产经营的,都必须遵守本法。

本法适用于一切食品,食品添加剂,食品容器、包装材料 and 食品用工具、设备、洗涤剂、消毒剂;也适用于食品的生产经营场所、设施和有关环境。

第五条 国家鼓励和保护社会团体和个人对食品卫生的社会监督。

对违反本法的行为,任何人都有权检举和控告。

第二章 食品的卫生

第六条 食品应当无毒、无害,符合应当有的营养要

hygiene, preventing food contamination and harmful substances from injuring human health, safeguarding the health of the people and improving their physical fitness.

Article 2 The State institutes a system of food hygiene supervision.

Article 3 The administrative department of public health under the State Council shall be in charge of supervision and control of food hygiene throughout the country.

Other relevant departments under the State Council shall, within the scope of their respective functions and duties, be responsible for control of food hygiene.

Article 4 Whoever engages in food production or marketing within the territory of the People's Republic of China must observe this Law.

This Law applies to all foods and food additives as well as containers, packagings, utensils and equipment used for food, detergents and disinfectants; it also applies to the premises, facilities and environment associated with food production or marketing.

Article 5 The State encourages and protects the social supervision exercised by public organizations and individuals over food hygiene.

Any person shall have the right to inform the authorities and lodge a complaint about any violation of this Law.

Chapter II Food Hygiene

Article 6 Food shall be nontoxic and harmless, conform to

求,具有相应的色、香、味等感官性状。

第七条 专供婴幼儿的主、辅食品,必须符合国务院卫生行政部门制定的营养、卫生标准。

第八条 食品生产经营过程必须符合下列卫生要求:

(一) 保持内外环境整洁,采取消除苍蝇、老鼠、蟑螂和其他有害昆虫及其孳生条件的措施,与有毒、有害场所保持规定的距离;

(二) 食品生产经营企业应当有与产品品种、数量相适应的食品原料处理、加工、包装、贮存等厂房或者场所;

(三) 应当有相应的消毒、更衣、盥洗、采光、照明、通风、防腐、防尘、防蝇、防鼠、洗涤、污水排放、存放垃圾和废弃物的设施;

(四) 设备布局和工艺流程应当合理,防止待加工食

proper nutritive requirements and have appropriate sensory properties such as colour, fragrance and taste.

Article 7 Principal and supplementary foods intended specially for infants and preschool children shall conform to the nutritive and hygienic standards promulgated by the administrative department of public health under the State Council.

Article 8 In the process of food production or marketing, the requirements for hygiene stated below shall be conformed to:

(1) The environment inside and outside any food production or marketing establishment shall be kept clean and tidy; measures shall be taken to eliminate flies, rodents, cockroaches and other harmful insects and to remove conditions for their propagation; and a prescribed distance shall be kept from any toxic or harmful site;

(2) An enterprise engaged in food production or marketing shall have workshops or other premises for the preparation of raw materials and for processing, packing and storage that are commensurate with the varieties and quantities of the products handled;

(3) Appropriate facilities shall be made available for disinfection, changing clothes, toilet, natural and artificial light, ventilation, prevention of spoilage, protection against dust, elimination of flies and rodents, washing of equipment, sewage discharge and the containment of garbage and other wastes;

(4) The layout of installations and the application of technological processes shall be rational in order to prevent contamination between foods to be processed and ready-to-eat foods, and between raw materials and finished products; food must not be

品与直接入口食品、原料与成品交叉污染,食品不得接触有毒物、不洁物;

(五)餐具、饮具和盛放直接入口食品的容器,使用前必须洗净、消毒,炊具、用具用后必须洗净,保持清洁;

(六)贮存、运输和装卸食品的容器包装、工具、设备和条件必须安全、无害,保持清洁,防止食品污染;

(七)直接入口的食品应当有小包装或者使用无毒、清洁的包装材料;

(八)食品生产经营人员应当经常保持个人卫生,生产、销售食品时,必须将手洗净,穿戴清洁的工作衣、帽;销售直接入口食品时,必须使用售货工具;

(九)用水必须符合国家规定的城乡生活饮用水卫生标准;

(十)使用的洗涤剂、消毒剂应当对人体安全、无害。

对食品摊贩和城乡集市贸易食品经营者在食品生产经营过程中的卫生要求,由省、自治区、直辖市人民代表大会常务委员会根据本法作出具体规定。

第九条 禁止生产经营下列食品:

placed in contact with any toxic substance or filth;

(5) Tableware, kitchenware and containers for ready-to-eat foods must be cleaned and disinfected prior to use; cooking utensils and other utensils must be washed after use and kept clean;

(6) Any containers, packagings, utensils and equipment used for the storage, transportation, loading and unloading of food as well as the conditions under which these operations are carried out must be safe, harmless and kept clean in order to prevent food contamination;

(7) Ready-to-eat foods shall be kept in small packets or in nontoxic, clean packaging materials;

(8) All persons involved in food production or marketing shall maintain a constant standard of personal hygiene, taking care to wash their hands thoroughly and wear clean work clothes and headgear while preparing or selling food; also, proper utensils must be used when selling ready-to-eat foods;

(9) Any water used must conform to the national hygiene standards for drinking-water in urban and rural areas;

(10) The detergents and disinfectants used shall be safe and harmless to human health.

The hygienic requirements for food production or marketing undertaken by food vendors and persons engaged in the food business in urban and rural markets shall be formulated specifically according to this Law by the standing committees of the people's congresses in the provinces, autonomous regions, or municipalities directly under the Central Government.

Article 9 The production and marketing of foods in the

(一)腐败变质、油脂酸败、霉变、生虫、污秽不洁、混有异物或者其他感官性状异常,可能对人体健康有害的;

(二)含有毒、有害物质或者被有毒、有害物质污染,可能对人体健康有害的;

(三)含有致病性寄生虫、微生物的,或者微生物毒素含量超过国家限定标准的;

(四)未经兽医卫生检验或者检验不合格的肉类及其制品;

(五)病死、毒死或者死因不明的禽、畜、兽、水产动物等及其制品;

(六)容器包装污秽不洁、严重破损或者运输工具不洁造成污染的;

(七)掺假、掺杂、伪造,影响营养、卫生的;

(八)用非食品原料加工的,加入非食品用化学物质的或者将非食品当作食品的;

(九)超过保质期限的;

(十)为防病等特殊需要,国务院卫生行政部门或者省、自治区、直辖市人民政府专门规定禁止出售的;

following categories shall be prohibited:

(1) foods that can be injurious to human health because they are putrid or deteriorated, spoiled by rancid oil or fat, moulded, infested with insects or worms, contaminated, contain foreign matter or manifest other abnormalities in sensory properties;

(2) foods that contain or are contaminated by toxic or deleterious substances and can thus be injurious to human health;

(3) foods that contain pathogenic parasites, microorganisms or an amount of microbial toxin exceeding the tolerance prescribed by the State;

(4) meat and meat products that have not been inspected by the veterinary health service or have failed to pass such inspection;

(5) poultry, livestock, game and aquatic animals that have died from disease, poisoning or some unknown cause, as well as products made from them;

(6) foods contaminated by use of filthy or seriously damaged containers or packages, or filthy means of conveyance;

(7) foods that impair nutrition or health because they are adulterated or misbranded;

(8) foods processed with non-food raw materials; foods mixed with non-food chemical substances, or non-food stuffs used as food;

(9) foods that has expired the date for guaranteed quality;

(10) foods of which the sale has been specifically prohibited, for the prevention of diseases or other special reasons, by the administrative department of public health under the State Council or by the people's governments of the provinces, autonomous regions, or municipalities directly under the Central Government;

(十一)含有未经国务院卫生行政部门批准使用的添加剂的或者农药残留超过国家规定容许量的;

(十二)其他不符合食品卫生标准和卫生要求的。

第十条 食品不得加入药物,但是按照传统既是食品又是药品的作为原料、调料或者营养强化剂加入的除外。

第三章 食品添加剂的卫生

第十一条 生产经营和使用食品添加剂,必须符合食品添加剂使用卫生标准的卫生管理办法的规定;不符合卫生标准和卫生管理办法的食品添加剂,不得经营、使用。

第四章 食品容器、包装材料和食品用工具、设备的卫生

第十二条 食品容器、包装材料和食品用工具、设备必须符合卫生标准和卫生管理办法的规定。

第十三条 食品容器、包装材料和食品用工具、设备

(11) foods that contain additives not approved for use by the administrative department of public health under the State Council or residues of pesticides exceeding the tolerance prescribed by the State; and

(12) other foods that do not conform to the standards and requirements for food hygiene.

Article 10 Food must not contain medicinal substances, with the exception of those materials that have traditionally served as both food and medicaments and are used as raw materials, condiments or nutrition fortifiers.

Chapter III Hygiene of Food Additives

Article 11 The production, marketing and use of food additives must conform to the hygiene standards for use of food additives and the hygiene control regulations; the food additives that do not conform to the hygiene standards and the hygiene control regulations may not be marketed and used.

Chapter IV Hygiene of Containers, Packagings, Utensils and Equipment Used for Food

Article 12 Containers, packagings, utensils and equipment used for food must conform to the hygiene standards and the hygiene control regulations.

Article 13 The raw materials for making containers, packagings, utensils and equipment used for food must meet hygiene

的生产必须采用符合卫生要求的原材料。产品应当便于清洗和消毒。

第五章 食品卫生标准和管理办法的制定

第十四条 食品,食品添加剂,食品容器、包装材料,食品用工具、设备,用于清洗食品 and 食品用工具、设备的洗涤剂、消毒剂以及食品中污染物质、放射性物质容许量的国家卫生标准、卫生管理办法和检验规程,由国务院卫生行政部门制定或者批准颁发。

第十五条 国家未制定卫生标准的食品,省、自治区、直辖市人民政府可以制定地方卫生标准,报国务院卫生行政部门和国务院标准化行政主管部门备案。

第十六条 食品添加剂的国家产品质量标准中有卫生学意义的指标,必须经国务院卫生行政部门审查同意。

农药、化肥等农用化学物质的安全性评价,必须经国

requirements. The finished products should be easy to clean and disinfect.

Chapter V Formulation of Food Hygiene Standards and Regulations for Food Hygiene Control

Article 14 The administrative department of public health under the State Council shall formulate or approve and promulgate the national hygiene standards, hygiene control regulations and inspection procedures for food, food additives, the containers, packagings, utensils and equipment used for food, the detergents and disinfectants used for washing food or utensils and equipment used for food, and the tolerances for contaminants and radioactive substances in food.

Article 15 If the State has not formulated hygiene standards for a certain food, the people's governments of the provinces, autonomous regions, or municipalities directly under the Central Government may establish local hygiene standards for that food and report them to the administrative department of public health under the State Council and the competent standardization administration department under the State Council for the record.

Article 16 Norms of significance to the science of health to be included in the national quality standards for food additives must be examined and approved by the administrative department of public health under the State Council.

Appraisals on the safety for use of agricultural chemicals, such as pesticides and chemical fertilizers, shall be examined and