LAW No. 836
HEALTH CODE

THE CONGRESS OF THE PARAGUAYAN NATION ENACTS AS LAW:

GENERAL PROVISIONS

Art. 1.- This Code regulates the functions of the State with regard to comprehensive health care for the people and the rights and obligations of individuals in this area.

Art. 2.- The health sector shall be composed of all public and private institutions that are directly or indirectly related to the health of the population.

Art. 3.- The Ministry of Public Health and Social Welfare, hereinafter referred to as the Ministry, is the highest State authority competent in matters of health and fundamental aspects of social welfare.

Art. 4.- The Health Authority shall be exercised by the Minister of Public Health and Social Welfare, with the responsibility and powers to comply with and enforce the provisions of this Code and its regulations.

Art. 5.- National health and social welfare policy shall be developed in accordance with the overall objectives, policies, and strategies for the economic and social development of the Nation.

Art. 6.- Health and social welfare plans and programmes shall be developed in accordance with the overall objectives, policies and strategies for the economic and social development of the Nation.

Art. 7.- Health and social welfare plans, programmes and activities, under the responsibility of public and private institutions, shall be approved and monitored by the Ministry, which shall guide them in accordance with the Nation's health and social welfare policy.

BOOK I
HEALTH

Art. 8.- Health is a state of complete physical, mental and social well-being.

Art. 9.- Public health is the state of health of the population in a given geographical area, depending on its determining factors.

PRELIMINARY TITLE
ON HEALTH ACTIONS

Art. 10.- Health care includes:
a. In relation to people, comprehensive and coordinated actions to promote, protect, restore and rehabilitate physical, mental and social well-being;
b. In relation to the environment, the control of factors that affect people's health.

Art. 11.- The Ministry shall coordinate the plans and actions of institutions that carry out activities related to health.

Art. 12.- The Executive Branch may establish a National Health Council, integrating the various components of the sector to rationalise resources, reduce costs and avoid duplication or dispersion of efforts.

Art. 13.- In cases of epidemics or disasters, the Executive Branch is empowered to declare a state of health emergency in all or part of the national territory, determining its nature and establishing the appropriate measures, and may require specific extraordinary actions from public and private institutions, as well as from the general population.

Art.14.- The health of the family group is an inalienable right recognised for all inhabitants of the country.

The State shall promote and carry out the necessary actions in favour of family health.

SECTION I
THE HEALTH OF UNBORN CHILDREN

Art.15.- Unborn persons have the right to be protected by the State, in their life and health, from the moment of conception.

Art. 16.- During pregnancy, health protection shall cover both the mother and the unborn child as a biological unit.

Art. 17.- Abortion, in its classification and punishment, shall be subject to the provisions of ordinary criminal law.

SECTION II
HUMAN REPRODUCTION

Art. 18.- Human reproduction must be practised freely and responsibly, protecting the health of the person from conception onwards.

Art. 19.- It is the responsibility of the health sector, under the supervision and control of the Ministry, to promote, guide and develop programmes of research, information, education and medical-social services aimed at the family and everything related to human reproduction, ensuring that they are carried out with due respect for the fundamental rights of the human being and the dignity of the family.

Art. 20.- Family protection programmes must comply with health sector strategies, in line with economic and social development plans and requirements, in accordance with the values and expectations of the Nation.

SECTION II
HEALTH OF PARENTS AND CHILDREN

Art. 21.- It is the obligation and right of parents to care for their health and that of their child from the beginning of pregnancy.

Art. 22.- The State, for its part, shall protect and provide health care for the child from conception to the age of majority.

Art. 23.- It is the responsibility of establishments providing obstetric and paediatric care to identify, care for, ensure the safety and custody of newborns while their mothers or infants are hospitalised.

CHAPTER II
MEDICAL AND DENTAL CARE

Art. 24.- No person may receive medical or dental care without their express consent or, in the event of incapacity, that of their authorised representative. Emergency care and the care provided for in Article 13 are exempt from this prohibition.

CHAPTER III
COMMUNICABLE DISEASES

Art. 25.- The Ministry shall take measures to reduce or eliminate the risks of communicable diseases through preventive, curative, and rehabilitative actions

rehabilitative actions that tend to raise the immune level of individuals and combat sources of infection in coordination with other institutions in the sector.

Art. 26.- Persons suffering from communicable diseases and carriers and contacts thereof may be subjected to isolation, observation or personal surveillance for the time and in the manner determined by the Ministry, which may order all necessary health measures aimed at protecting public health.

Art. 27.- The Ministry may declare the use of preventive methods or products to be mandatory, especially when it is a matter of preventing the epidemic spread of a communicable disease.

Art. 28.- The Ministry shall determine the communicable diseases subject to mandatory notification, as well as the forms and conditions of their communication, to which health establishments must comply.

Art. 29.- Persons considered to be contacts of notifiable communicable diseases must submit to the control and monitoring methods established by the Ministry.

Art. 30.- The reporting of notifiable communicable diseases, by any means, shall enjoy the privileges of free of charge and priority dispatch.

Art. 31.- Persons affected by communicable diseases, as determined by the Ministry, are prohibited from attending places of gathering or concentration during the period of transmissibility.

Art. 32.- The Ministry may order the medical examination of any person suspected of having a notifiable communicable disease for the purposes of diagnosis, treatment and the adoption of preventive measures to prevent the spread of the disease.

Art. 33.- In the case of the previous article, if the owner or residents of the dwelling or premises where the alleged patient is located oppose the entry of the doctor appointed by the Ministry, a search shall be carried out by court order, which shall be issued without delay by the competent judge, at the request of the Ministry, and which may be enforced with the intervention of the police, if necessary.

Art. 34.- Vaccination of persons is mandatory in the cases and forms determined by the Ministry.

Art. 35.- The Ministry shall develop vaccination programmes against preventable diseases, in coordination with other institutions in the sector.

Art. 36.- The manufacture and marketing of vaccines for human use and against zoonoses require prior authorisation from the Ministry.

Art. 37.- The Ministry shall determine the diseases subject to epidemiological surveillance, establishing the procedures to be adopted in each case.

Art. 38.- The control of communicable diseases shall be carried out in accordance with the treaties, conventions, international agreements in force, and this Code and its regulations.

CHAPTER V
ENDEMIC DISEASES

Art. 39.- The Ministry shall programme the control or eradication of endemic diseases.

CHAPTER V
CHRONIC NON-COMMUNICABLE DISEASES

Art. 40.- The Ministry shall issue measures relating to the control of chronic non-communicable diseases that may constitute public health problems.

Art. 41.- The Ministry and universities, separately or jointly, shall proceed to create establishments specialising in the research of chronic non-communicable diseases for the purposes of diagnosis, treatment and teaching. Public and private institutions may create establishments with the same purpose, subject to the approval of the Ministry.

CHAPTER VI
ACCIDENT-RELATED INJURIES

Art. 42.- The Ministry shall issue measures and carry out activities in coordination with competent public and private institutions in the field to prevent or reduce injuries caused by accidents.

CHAPTER VII
MENTAL HEALTH

Art. 43.- The Ministry shall develop mental health programmes to prevent, promote and restore the mental well-being of individuals, families and communities, and shall establish the rules to be observed, exercising control over their faithful compliance.

Art. 44.- The Ministry shall promote and carry out epidemiological research on mental illnesses to detect their incidence, causes and conditioning factors.

Art. 45.- The admission of a person to establishments intended for the treatment of mental illnesses may only be carried out after two doctors, one of whom must be a psychiatrist, certify that the person suffers from a mental illness.

Art. 46.- It is prohibited to carry out any type of guidance, treatment, or application of psychological systems that may create or encourage individual or group reactions that are harmful to mental health or that endanger the emotional stability of individuals or put social coexistence at risk.

Art. 47.- Health science professionals shall immediately notify the Ministry of the appearance of any collective mental disturbance.

Art. 48.- Advertising substances and products that may affect people's mental health is prohibited. Promotion of their characteristics, quality and manufacturing techniques shall be limited to the field of health professionals.

CHAPTER VIII
SPORTS HEALTH

Art. 49.- The Ministry shall determine which sports and gymnastics, according to their nature and the age and sex of those who practise them, pose a risk to health.

Art. 50.- The Ministry shall establish a medical control system for the practice of sports and physical education exercises in clubs and gyms.

Art. 51.- The Ministries of Public Health and Social Welfare and of Education and Culture shall coordinate their actions to preserve the health of sports practitioners, gymnasts and students in educational establishments.

Art. 52.- It is prohibited for those who practise sports to use substances that are harmful to health, especially stimulants, in order to overcome any physical or mental impediment and increase their chances in sports competitions.

Art. 53.- Anyone who supplies stimulants to sportspeople or induces them to use such substances, as well as those who cover up such acts, shall be liable to the penalties provided for in this Code, without prejudice to those applicable under criminal law.

Art. 54.- The Ministry is the only institution competent to verify the consumption of the substances mentioned in Article 52.

CHAPTER IX
REHABILITATION

Art. 55.- The Ministry shall promote the creation of rehabilitation facilities. It shall authorise and coordinate the actions of public and private institutions to provide care for the physically, mentally or socially disabled.

Art. 56.- The Ministry shall promote the training of professionals, technicians and assistants as required in the field of rehabilitation.

CHAPTER X
HEALTH MONITORING OF INDIVIDUALS

Art. 57.- The Ministry shall determine the diseases that must be periodically monitored in persons at its facilities.

Art. 58.- Once the checks required by the preceding Article have been carried out, the Ministry shall issue a health certificate on a specially authorised form, without which no person may perform their duties or work or carry out any procedures before the authorities or public offices.

Art. 59.- Employers shall not admit to their establishments any person who does not have a health certificate authorising them to work or be employed.

Art. 60.- Members of the Diplomatic and Consular Corps, officials of international cooperation agencies, and foreigners entering the country as tourists are exempt from the obligation imposed by Article 58.

Art. 61.- In order to get married, it is mandatory for the couple to undergo a prior medical examination at the Ministry's facilities authorised for this purpose, in order to verify that neither of them suffers from any disease that could endanger the health of the other spouse or their offspring.

Art. 62.- Once the examinations required to check the health of the contracting parties have been completed, the Ministry shall issue the corresponding prenuptial medical certificate.

Art. 63.- Those in charge of the Civil Registry Office shall require those wishing to marry to present the prenuptial medical certificate, without which they will not be able to perform the ceremony.

Art.64.- The Ministry may, when it deems necessary, impose medical treatment on sick persons who, due to the nature of their illness or the type of occupation they engage in, may pose a risk to public health.

Art. 65.- Persons wishing to obtain a licence to drive land, river or air vehicles shall be required to undergo a medical examination at the Ministry's facilities authorised for that purpose, in order to obtain the corresponding certification of their state of health.

TITLE II
HEALTH AND THE ENVIRONMENT

CHAPTER I
ENVIRONMENTAL CLEAN-UP - CONTAMINATION AND POLLUTION

Art. 66.- Any action that damages the natural environment, diminishes its quality, or makes it hazardous to health is prohibited.

Art. 67.- The Ministry shall determine the tolerance limits for the emission or discharge of contaminants or pollutants into the atmosphere, water and soil and shall establish the standards to which labour, industrial, commercial and transport activities must comply in order to preserve the environment from deterioration.

Art. 68.- The Ministry shall promote programmes aimed at the prevention and control of environmental contamination and pollution and shall take measures for its preservation, carrying out periodic checks on the environment to detect any element that causes or may cause deterioration of the atmosphere, soil, water and food.

CHAPTER II
WATER FOR HUMAN CONSUMPTION AND RECREATION

Art. 69.- Projects for the construction or modification of any public works intended for the use or treatment of water in a population, workplace or place where people gather must be approved by the Ministry for their execution.

Art. 70.- The Ministry shall execute and control drinking water supply works in less densely populated areas.

Art. 71.- The Executive Branch shall determine the maximum number of inhabitants that defines less densely populated areas.

Art. 72.- The Ministry shall monitor the sanitary conditions of all water treatment plants, as well as the quality of the water supplied.

Art. 73.- The supply of water to the population through public supply systems must comply with standards of potability, continuity, quantity, and pressure.

Art.74.- Only substances authorised by the Ministry may be added to water for public consumption.

Art. 75.- Anyone who damages or obstructs public water supply systems shall be liable to the penalties provided for in this Code, without prejudice to those established by the Criminal Code.

Art.76.- All areas designated for new human settlements shall have natural conditions capable of supplying drinking water to the population.

CHAPTER III
SEWERS AND INDUSTRIAL RIGHTS

Art.77.- In places where there is no sewerage network, the Ministry shall promote and advise owners or occupants so that each dwelling has adequate disposal of excreta.

Art.78.- The Ministry shall promote, execute and control the construction of sewerage systems in less densely populated areas.

Art. 79.- Rural housing, human settlement, regional development and urbanisation programmes must provide for the sanitary disposal of excreta, and their projects shall require prior approval by the Ministry.

Art. 80.- It is prohibited to discharge sewage or waste water in public places, transit areas or recreational areas.

Art. 81.- Sewage, drainage or contaminated water sources may not be used for raising animals or growing fruit or edible vegetables.

Art. 82.- It is prohibited to discharge industrial waste into the atmosphere, canals, surface watercourses or underground watercourses that cause or may cause contamination or pollution of the soil, air or water, without prior treatment to render it harmless to the health of the population or to prevent its harmful effects.

Art. 83.- It is prohibited to discharge substances into water used for domestic, industrial, agricultural or recreational purposes that cause contamination or pollution

pollution and that may harm, in any way, the health of humans and animals.

Art. 84.- The Ministry has the power to authorise, restrict, regulate or prohibit the disposal of non-biodegradable substances through the drainage systems of industrial, commercial and health establishments, in order to prevent damage to human or animal health and to the drainage system.

Art. 85.- The Ministry may compel property owners to construct drainage works in order to prevent the formation of unsanitary conditions or sources of infection and to clean up any existing ones on their property, and may order their execution, with the right to reimbursement of expenses incurred, in the event of refusal.

CHAPTER IV
OCCUPATIONAL HEALTH AND THE WORKING ENVIRONMENT

Art. 86.- The Ministry shall determine and authorise actions aimed at protecting the health of the working environment in order to eliminate the risks of illness, accident or death, covering all types of occupational activity.

Art. 87.- The Ministry shall issue technical standards and exercise control over the health conditions of commercial, industrial and health establishments, considering the necessary protection of workers and the general population.

Art. 88.- Prior authorisation from the Ministry shall be required for the granting of licences or permits for the operation of industrial establishments and other workplaces, as well as for the expansion or modification of existing facilities.

Art. 89.- The Ministry may cancel the authorisation granted to industrial, commercial or health establishments whose operation poses a risk to health.

CHAPTER V
PUBLIC HYGIENE

Art. 90.- The Ministry shall determine the health standards to be observed for the proper disposal and treatment of waste.

Art. 91.- All vehicles used for transport on public roads shall be subject to the health measures issued by the Ministry.

Art. 92.- All food handlers or sellers on public roads must have a health certificate and comply with the health standards issued by the Ministry in their activities.

Art. 93.- It is prohibited to affix or display posters, make wall inscriptions, or show films or photographs on public roads that are harmful to health.

CHAPTER VI
BUILDINGS, HOUSING AND URBAN DEVELOPMENTS

Art. 94.- The Ministry shall establish the health standards that buildings, dwellings, urban developments and vacant lots must meet.

Art. 95.- When the Ministry finds a violation of the established health standards, it shall require and summon the owner to immediately carry out the corrective work or repairs.

Art. 96.- If the corrective work or measures referred to in the previous article are not carried out within the period established by the Ministry, the latter may have them carried out at the owner's expense, without prejudice to the competence of other public institutions in this matter and the corresponding penalties.

Art. 97.- Construction, expansion, or remodelling projects for hospitals or other health establishments, whether public or private, must be approved in advance by the Ministry for their execution, which shall verify the work within its jurisdiction.

Art. 98.- The Ministry shall regulate and exercise sanitary control over buildings and establishments used for collective accommodation or recreation.

Art. 99.- The Ministry shall promote, execute or control the construction of housing in less densely populated areas.

CHAPTER VII
ESTABLISHMENTS OPEN TO THE PUBLIC

Art. 100.- The installation and operation of any establishment open to the public shall require prior health authorisation from the Ministry, which may arrange for its inspection in accordance with the relevant legal regulations.

Art.101.- The owners or managers of establishments open to the public shall facilitate the inspection ordered by the Ministry during their hours of operation.

Art. 102.- Those who work in establishments open to the public must possess a health certificate issued by the Ministry.

CHAPTER VIII
CAMPING SITES, RURAL ESTATES AND PILGRIMAGES

Art.103.- All camps must have basic environmental sanitation facilities established by the Ministry, taking into account their nature and the duration of their installation.

Art.104.- The owners or administrators of rural estates are obliged to carry out the sanitary works and installations that will be determined by regulation.

Art.105.- In the case of pilgrimages, the Ministry shall arbitrate sanitary measures in coordination with other components of the sector.

CHAPTER IX
HUMAN SETTLEMENTS

Art. 106.- The Ministry shall participate in all new human settlement projects, determining their health conditions.

CHAPTER X
INSECTS, RODENTS AND OTHER DISEASE VECTORS

Art. 107.- The Ministry shall take measures to protect the population from insects, rodents and other disease vectors.

Art. 108.- For the purposes of the provisions of the previous article, the Ministry shall establish research programmes, technical standards and regulations for their extermination, and may coordinate its actions with public and private organisations in the country or abroad.

Art. 109.- The Ministry shall periodically authorise natural and legal persons engaged in the commercial extermination of insects, rodents and other disease vectors, regulating the suitability, equipment and products used, as well as the precautions for their application.

Art. 110.- In order to maintain animal nurseries or breeding facilities for health research purposes, authorisation from the Ministry must be obtained and the rules established by the Ministry must be observed.

established by the Ministry.

CHAPTER XI
ENVIRONMENTAL PROTECTION IN NATIONAL PARKS

Art. 111.- The Ministry shall participate, in national parks, in actions aimed at ensuring ecological stability in order to maintain in their natural state biotic communities and wild species threatened with extinction that do not pose a risk to health.

Art. 112.- The Ministry shall promote research aimed at the preservation of ecological systems and the application of techniques and procedures that allow them to be controlled, taking into account developing regions, dam areas and irrigation systems.

Art. 113.- The Ministry shall intervene immediately when factors that may be harmful to health are verified in national parks.

CHAPTER XII
DISPOSAL OF CORPSES AND CEMETERIES

Art. 114.- The burial and exhumation of human corpses may only be carried out in accordance with the rules established by the Ministry.

Art. 115.- The burial of a human corpse without prior certification of death is prohibited.

Art.116.- Burials may only be carried out in places authorised by the competent authority.

Art.117.- Human corpses must be buried or subjected to treatment approved by the Ministry within 12 to 36 hours of death.

Art.118.- The Ministry may order burial before the deadline indicated in the previous article when death has occurred due to a communicable disease that poses a high risk to public health.

Art. 119.- Autopsies, embalming and other treatments of human corpses shall be performed by medical professionals and surgeons, in accordance with techniques and procedures authorised by the Ministry.

Art. 120.- The autopsy shall be ordered by the judicial authority and performed by the doctor designated for that purpose.

Art. 121.- The transfer of human corpses, skeletal remains or ashes, within the country or abroad, requires the prior express authorisation of the Ministry.
For transfer to Paraguay, health authorisation from the country of origin shall be required.

Art. 122.- Hospital, social welfare and human hospitalisation services must notify the Ministry within 12 hours of the death of any hospitalised person whose body has not been claimed within 12 hours of death.

Art. 123.- The Ministry may agree with teaching medical institutions to deliver human bodies that have been abandoned or unclaimed within the period established in the previous article, on the condition that they remain intact for a period of ten days before being used for the agreed purposes.

Art. 124.- Corpses or human remains of persons who have expressly stated their wish or whose immediate relatives have given their consent may be used for scientific research and teaching purposes.

Art. 125.- Any corpse that may cause harm to human health, due to the nature of the disease that caused death, shall be treated specially to prevent the spread of the disease, a fact that shall be recorded by the Ministry.

Art. 126.- Cemeteries, permanent funeral parlours and mortuaries shall be subject to the provisions established by the Ministry with regard to their installation, operation and control.

Art. 127.- Cemeteries shall be established in locations and under conditions that do not endanger human health or disturb the well-being of the neighbourhood.

CHAPTER XIII
NOISE, SOUNDS AND VIBRATIONS THAT MAY BE HARMFUL TO HEALTH

Art. 128.- Urban planning programmes, industrial hygiene and traffic regulations shall consider noise, sound and vibration to be agents of stress on health.

Art. 129.- The Ministry shall take measures to prevent, reduce or eliminate public nuisances caused by noise, sound or vibration that may affect the health and well-being of the population, and shall control them in coordination with the competent authorities.

Art. 130.- The Ministry shall identify and examine the sources and prevalent forms of noise, sound and vibration that affect or may affect health, and shall establish standards relating to tolerable limits of exposure to them.

CHAPTER XIV
ADVERTISING OF HEALTH-RELATED SERVICES AND PRODUCTS

Art. 131.- Advertising messages in the various media relating to health science professionals, relevant establishments, pharmaceutical products and related products shall comply with the regulations established by the Ministry.

Art. 132.- The owners or managers of the mass media must obtain the corresponding authorisation from the Ministry for the dissemination of the advertising message referred to in the previous Article.

Art.133.- The dissemination of news about the appearance in the country of cases of diseases subject to international regulation must be authorised by the Ministry.

TITLE III
HEALTH SUPPORT ACTIONS

CHAPTER I
ON HEALTH RESEARCH

Art. 134.- The Ministry shall promote and carry out research aimed at improving knowledge of the factors that influence health.

Art. 135.- Research involving human subjects shall comply with the principles of medical ethics, subject to prior authorisation by the Ministry.

Art. 136.- The Ministry shall encourage and carry out studies of the country's mineral resources, flora and fauna for their possible use in the field of health.

Art. 137.- Exceptionally, and when there is a well-founded possibility of saving the life or reducing the suffering of a patient, the doctor may resort to therapeutic resources not registered with the Ministry, with the prior authorisation of the patient or person responsible for the family and with notification to the Ministry within 24 working hours of use, and with the obligation to report the medical reasons that led to their use and the results obtained with the treatment.

Art. 138.- The Ministry shall grant authorisation to laboratories and research centres to isolate and preserve highly dangerous pathogens, exclusively for the purposes of health science research, and shall require strict safety measures and monitor them for the protection of persons.

Art.139.- Health science research may be carried out with subsidies or donations from foreign countries or organisations, subject to authorisation by the Ministry.

CHAPTER II
HEALTH AND ECONOMIC AND SOCIAL DEVELOPMENT

Art. 140.- Health programmes shall be integrated into the Nation's economic and social development plans.

Art. 141.- The Ministry shall participate in the definition, formulation, execution, control, and evaluation of all regional development projects, taking into account ecological and social welfare aspects.

Art. 142.- The Ministry shall promote, support and carry out training programmes for professionals, technicians, assistants and volunteers from the community in health and social welfare for regional development areas, paying special attention to the adoption of new technologies and their implications.

CHAPTER III
VITAL AND HEALTH STATISTICS

Art. 143.- The Ministry shall be responsible for the collection, processing, analysis and annual publication of vital and health statistics for the health sector.

Art. 144.- All public and private institutions related to health are required to periodically collect and provide the Ministry with the data it needs to perform the analysis and statistical evaluation established in the previous article.

Art. 145.- For the purposes of compiling vital and health statistics, those responsible for the Civil Registry shall provide the Ministry with demographic data from their jurisdiction.

Art. 146.- All births and deaths must be certified by the attending professional, who shall record the data necessary for health statistics. This document shall be submitted to the nearest health centre and to the Civil Registry, as appropriate. In the absence of an authorised professional, the event shall be witnessed by two competent persons.

Art. 147.- The Ministry shall periodically provide the Directorate-General for Statistics and Censuses with vital and health statistics and any other

information it may require in this regard.

CHAPTER IV
HEALTH EDUCATION

Art. 148.- The Ministries of Public Health and Social Welfare and of Education and Culture shall coordinate health education in primary and secondary schools.

Art. 149.- Health education programmes developed by institutions, whether public or private, must be approved in advance by the Ministry.

BOOK II
FOOD

TITLE I
GENERAL PROVISIONS

Art. 150.- The Ministry, in coordination with other agencies, shall promote the development of programmes to provide better and ongoing nutrition education.

Art. 151.- The Ministry shall provide national planning agencies with guidelines on the necessary food production, indicating existing nutritional and food problems.

Art. 152.- The Ministry shall establish standards and controls for the enrichment, restoration and fortification of food products and by-products intended for human consumption, including possible alternatives for solving prevalent nutritional problems.

Art. 153.The Ministry shall regulate, approve and register the techniques and methods of preparation, packaging and preservation of refrigerated, frozen, dehydrated, irradiated, concentrated, fermented, enzymatically treated, mechanically treated and, in general, any foodstuffs subjected to any technological process, determining the shelf life of packaged and related products.

Art. 154.- Any advertising that falsely attributes therapeutic properties to food or that misleads or deceives the public as to its nature, quality or origin is prohibited.

Art.155.- The sale of food provided by public or private institutions to families as a donation, as a dietary supplement, is prohibited.

Art.156.- The production and marketing of artificial foods is approved provided that they strictly comply with regulatory requirements.

Art. 157.- Only food suitable for consumption may be produced, supplied, distributed and sold. The production, sale or donation of food that is altered, spoiled, contaminated or adulterated is prohibited.

TITLE II
FOOD AND FOOD HYGIENE

Art.158.- Persons engaged in the handling of food and beverages shall undergo regular medical examinations and shall strictly comply with hygiene measures to prevent product contamination.

CHAPTER I
FOOD CONTROL

Art. 159.- The Ministry shall carry out food control in terms of hygiene and health, coordinating its actions with other government agencies and municipalities.

Art.160.- Owners of food establishments, as well as those engaged in the transport or marketing of food, are obliged to allow the competent officials of the Ministry to take samples for bromatological and health suitability testing, and said officials may order their retention when they present a risk to human health.

CHAPTER II
CULINARY PREPARATION

Art. 161.- Culinary preparations in establishments that produce, distribute or sell food prepared for consumption must comply with the health and hygiene conditions established in the relevant regulations.

CHAPTER III
FOOD ESTABLISHMENTS

Art.162.- In order to obtain authorisation to operate a food establishment for public consumption, it shall be a prerequisite to obtain the corresponding authorisation from the Ministry, and to prove that the establishment meets the appropriate sanitary conditions. The Ministry shall determine the necessary controls

and the cases in which the technical supervision of a responsible chemical professional is required.

Art.163.- The Ministry's authorisation for a food establishment to operate shall determine its period of validity, and periodic re-inspections must be carried out.

Art. 164.- Owners of food establishments in operation must request permission from the Ministry to make material changes to them when related to the processing or handling of products.

Art.165.- Owners of industrial establishments where food is handled, processed, packaged and packed must include in their staff the necessary technical personnel to guarantee the quality, purity, proper preparation and preservation of the products.

Art. 166.- Owners or representatives of food establishments are obliged to allow access to the competent officials of the Ministry to carry out any inspections they deem necessary.

CHAPTER IV
FOOD PRESERVATION, STORAGE AND TRANSPORT

Art. 167.- Methods of preservation, storage and transport of food shall comply with the standards laid down by the Ministry.

Art.168.- All food that requires refrigeration for preservation shall be stored in a cold room and kept at the appropriate temperature or by other means, in accordance with the standards established by the Ministry.

Art. 169.- The sale of any food that has been refrozen is prohibited.

Art. 170.- Preserved food shall be packaged only in industries or establishments authorised for this purpose, and the hygienic preservation procedure used shall be expressly indicated on the label of each package.

Art. 171.- The disinfestation of cereals, vegetables, dried and desiccated fruits shall be carried out in the manner and under the conditions determined by the Ministry of Agriculture and Livestock, in agreement with the Ministry.

Art. 172.- The substances or procedures used for disinfection must not alter the purity, natural composition or nutritional value of the treated foodstuffs, nor pose any risk to human or animal health.

Art. 173.- Food irradiation may be used in the manner and under the conditions determined by the Executive Branch.

Art. 174.- The Executive Branch shall be responsible for authorising and controlling the production, import, export and distribution of irradiated food.

CHAPTER V
MARKETING OF FOOD AND BEVERAGES

Art. 175.- Manufacturers, representatives and importers of food or beverage products, for the purposes of sale, shall register their products in advance with the Ministry, which shall determine their suitability for consumption and the period of validity of their registration.

Regulated by Decree 1.635/99 - See Reference.

Art. 176.- The Ministry of Industry and Trade shall proceed to register processed food or beverages for consumption, whether produced domestically or abroad, once they have been registered by the Ministry.

TITLE III
OTHER SUBSTANCES RELATED TO FOOD AND BEVERAGES

CHAPTER I
STIMULANTS IN FOOD AND BEVERAGES

Art. 177.- The industrialisation, handling, naming, type and characteristics of stimulant substances and products must comply with the relevant regulations. The establishments that produce them must be registered with the Ministry, which shall monitor them.

CHAPTER II
FOOD ADDITIVES

Art. 178.- Food and beverage manufacturers may only use additives that have been authorised by regulation, with the Ministry exercising the corresponding control.

Art. 179.- The Ministry shall establish a register of food additives and shall ensure that they are of known composition and purity and are non-toxic.

CHAPTER III
FOOD ADDITIVES

Art. 180.- Manufacturers, representatives and importers may use food additives in the manner determined by the Ministry.

Art. 181.- Establishments engaged in the manufacture, enrichment, import or export of food additives must be registered in advance with the Ministry.

Art. 182.- Common salt intended for human and animal consumption shall be sold iodised. The Ministry may exempt this requirement when the salt is intended for industrial use.

Art. 183.- Common salt derived from chemical processes, salt recovery or industrial uses shall not be used in human food.

CHAPTER IV
DIETARY FOODS

Art.184.- Establishments that produce dietary foods must register with the Ministry, which shall authorise and supervise their operation, as well as the quality of the product.

Art.185.- The industrial production of dietary foods requires the prior approval of the Ministry, which shall determine the need for technical supervision by a professional registered and authorised by the Ministry.

Art. 186.- Dietetic products manufactured industrially to alter the proportions of the human body are medicines and may only be sold to the public in pharmacies.

Art. 187.- In order to import or export dietary foods, prior authorisation from the Ministry is required.

BOOK III
ON MATTERS AFFECTING HUMAN HEALTH

TITLE I
ON THE USE OF SUBSTANCES HARMFUL TO HUMAN HEALTH

CHAPTER I
ON NARCOTIC SUBSTANCES AND OTHER DANGEROUS DRUGS AND ON DRUG DEPENDENCY

Art. 188.- Substances of natural or synthetic origin which, by acting on the central nervous system, can modify a person's mental, motor or sensory functions, create a state of dependence with alteration of their lifestyle habits and produce behavioural changes, are subject to control by the Ministry through the National Register of Substances, Narcotics and Dangerous Drugs.

Art. 189.- In order to combat the illicit trafficking of narcotics and other dangerous drugs, the Ministry shall collaborate with the competent bodies by providing the necessary references for this purpose and shall arrange for the recovery of drug addicts in specialised establishments.

CHAPTER II
TOXIC OR HAZARDOUS SUBSTANCES

Art. 190.- In order to import, manufacture, store, sell, transport, distribute or supply toxic or dangerous substances or products authorised by the Executive Power, registration in the corresponding register of the Ministry, which must exercise control, shall be required.

Art. 191.- The Ministry shall carry out educational programmes on the risks that toxic or hazardous products pose to health.

Art. 192.- The Ministry may, in certain circumstances, prohibit the use of certain toxic or hazardous substances.

Art. 193.- All toxic or hazardous substances shall display a symbol warning of their danger. They must be packaged, packed and transported in an appropriate manner.

Art. 194.- The Ministry, in conjunction with the Ministry of Agriculture and Livestock, shall establish the classification and characteristics of different pesticide and fertiliser products according to the risk they pose to health.

Art. 195.- The Ministry and the Ministry of Agriculture and Livestock shall establish the tolerance limits for pesticide residues in food and the acceptable daily intake (ADI) for humans, in accordance with the recommendations of the CODEX Committee on Pesticide Residues and the CODEX Alimentarius Commission of the World Health Organisation (WHO) and the Food and Agriculture Organisation of the United Nations (FAO).

Art. 196.- In order to manufacture, import or export pesticides and fertilisers or advertise them, interested parties must declare their composition and antidote and register with the Ministry, subject to approval by the Ministry of Agriculture and Livestock.

Art. 197.- The labels or tags on pesticide and fertiliser containers must clearly warn of the dangers involved in handling the product, how it should be used, its antidotes in cases of poisoning, and the disposal of containers that contain or have contained it.

Art. 198.- During the process of manufacturing, handling, and transporting pesticides and fertilisers, contact or proximity with food and other substances whose contamination poses health risks is prohibited.

Art. 199.- The Ministry shall order, for a period of 24 hours, the retention of food and beverages that are presumed to be contaminated with toxic or dangerous substances, pending the completion of the corresponding analyses.

Art. 200.- The Ministry shall determine the hazardous substances in the manufacture and chemical composition of objects and utensils for family or collective use which, when in contact with the skin or mucous membranes, may pose risks to human health.

Art. 201.- The production, importation, and sale of objects and utensils for family or collective use that contain the substances referred to in the previous article are prohibited.

Art. 202.- All tobacco advertising must not encourage consumption and must refer only to its quality and origin. It is prohibited to use figures or characters representing children or adolescents in advertising, or to associate them with sports, work, study or home activities.

Art. 203.- The Ministry may, when it deems necessary, determine that the packaging in which tobacco products are sold must clearly and visibly display a warning that they may be harmful to health.

Art. 204.- Alcoholic beverages, whether produced in the country or imported, must be registered in advance with the Ministry, which shall carry out periodic analyses and controls.

Art. 205.- Advertising of alcoholic beverages shall only provide information regarding their quality, origin and production techniques, without attributing any supposed health benefits to them. It shall not be associated with the well-being of the home, work or sports, nor shall it depict children, adolescents or characters aimed at children.

Art. 206.- The sale and consumption of alcoholic beverages in public places to minors is prohibited.

TITLE II
ZOONOSES

Art. 207.- The Ministry shall take measures to eliminate the risks of contracting zoonoses. It shall promote, plan and carry out research, prevention and control activities for these diseases in coordination with other competent institutions in the field.

Art. 208.- The Ministry shall determine which zoonoses are subject to mandatory notification, as well as the forms and conditions under which health professionals must do so.

Art. 209.- It is prohibited to bring into the country animals that are sick or suspected of suffering from diseases directly or indirectly transmissible to humans or of being carriers of parasites. The Ministry shall participate with the competent authorities in the adoption of the relevant measures.

Art. 210.- All owners of animals infected with zoonoses are obliged to submit them to observation, isolation and care, in the manner determined by the Ministry. Sick animals may be confiscated and slaughtered when they pose obvious health risks.

BOOK IV
HEALTH RESOURCES

TITLE I
HUMAN RESOURCES

Art. 211.- Human resources for health consist of university professionals, technicians, assistants, and volunteers who are qualified to perform tasks aimed at preserving, preventing, or improving the bio-psychosocial conditions of the country's population, either individually or collectively.

Art. 212.- The Ministry shall maintain a permanent system for registering human resources for health and shall require the periodic updating of their professional knowledge, in the manner determined by the regulations of this Code.

Art. 213.- The Ministry shall encourage the active participation of the community in the education and training of health personnel.

CHAPTER I
HEALTH SCIENCE PROFESSIONS

Art. 214.- Health science professions are considered to be all those disciplines that tend, scientifically and technically, towards the use of comprehensive and coordinated actions for the promotion, protection, recovery and rehabilitation of physical, mental and social well-being and the control of factors that condition people's health. The Ministry shall regulate the disciplines included in the above definition.

Art. 215.- In order to practise as a health science professional, it is necessary to hold a degree issued by one of the country's universities or revalidated by the National University of Asunción, which must be registered in the register authorised by the Ministry.

Art. 216.- The Ministry shall regulate the legal practice of health science professions.

Art. 217.- In order to practise as a health science technician or assistant, it is necessary to register the certificate issued by a competent national or foreign institution recognised by the Ministry as a training provider for human resources in health sciences.

Art. 218.- The Ministry shall determine the health science professions that are compatible with simultaneous practice by the same professional.

Art. 219.- The Ministry shall determine the medicines that may be prescribed by technical and auxiliary personnel in places where there are no professionals.

Art. 220.- Pharmacists shall not dispense prescriptions for medicines when they do not comply with legal and regulatory standards or shall delay doing so when they have reasonable grounds to believe that there is an error in the prescription, and shall immediately consult the professional who issued it.

Art. 221.- Professionals who, in the exercise of their profession, work with radioactive material or devices designed to emit radiation for therapeutic or research purposes must obtain prior authorisation from the Executive Branch.

Art. 222.- Health science professionals who conduct research and experimental studies on animals that may put human health at risk must first notify the Ministry, which will authorise the study and monitor its scope and results.

Art. 223.- In cases of health emergencies and until the Ministry intervenes, doctors or, failing that, other qualified health science professionals shall be vested with sufficient authority to take initial health measures and request the collaboration of other health human resources, as well as the intervention of local authorities, to enforce them.

Art. 224.- Health science professionals whose scientific and technical knowledge allows them to modify the characteristic signs of identity of individuals must communicate the background and results of the service to be provided to the Ministry.

Art. 225.- Anyone who, having authorisation from the Ministry to practise a health science profession, uses it to cover up or condone the activities of someone who is not qualified to do so, shall be jointly and severally liable to the penalties provided for in this Code for the unqualified person.

Art. 226.- Without prejudice to the measures provided for by the Ministry in cases of illegal practice of health science professions, the background information shall be referred to the ordinary courts for the purposes provided for in criminal law.

CHAPTER II
HEALTH RANKING

Art. 227.- A health hierarchy shall be created for those who practise, direct, administer, guide or supervise health activities in the Ministry.

Art. 228.- The Executive Branch shall establish the hierarchy and regulate it.

CHAPTER III
ON THE EDUCATION AND TRAINING OF HUMAN RESOURCES IN HEALTH SCIENCES

SECTION I
GENERAL PROVISIONS

Art. 229.- The Ministry shall provide for the education and training of technical and auxiliary personnel in health sciences.

Art. 230.- The beneficiary of a scholarship in health sciences granted by the Ministry shall subsequently be obliged to provide paid services, in accordance with their specialisation and for a period to be established by regulation.

Art. 231.- Prior authorisation from the Ministry is required for the education or training of health sciences technicians and assistants, with the exception of the country's universities.

SECTION II
HEALTH SCIENCES INTERNSHIPS

Art. 232.- The Ministry shall facilitate internships in health sciences and determine the forms and conditions thereof.

Art. 233.- Interns, professionals, technicians, or assistants in health sciences shall be subject to the provisions governing public officials.

SECTION III
TRAINING AND EDUCATION OF EMPIRICAL HEALTH PRACTITIONERS

Art. 234.- The Ministry shall promote, carry out and authorise the training and instruction of certain empirical workers in the field of health, whom it shall register, qualify and monitor annually to carry out their activities in locations where the Ministry deems it necessary.

Art. 235.- The Ministry may cancel the authorisation of any empirical worker who does not comply with the regulatory provisions or whose work is considered deficient or risky.

SECTION IV
COMMUNITY PARTICIPATION IN HEALTH

Art. 236.- The Ministry shall promote participation and organise communities to achieve their cooperation in the conservation and improvement of health facilities and services.

Art. 237.- Entities and university students in health sciences who conduct studies on health issues in the country or who develop programmes and actions for the benefit of communities shall coordinate with the Ministry.

Art. 238.- Public and private authorities must cooperate and participate in community health programmes implemented or authorised by the Ministry.

TITLE II
PHYSICAL AND THERAPEUTIC RESOURCES

CHAPTER II
HEALTH ESTABLISHMENTS

Art. 239.- The Ministry shall regulate the authorisation and registration of health establishments and shall monitor them.

Art. 240.- The directors, managers or administrators and professionals of health establishments, whether public or private, shall cooperate with the

competent officials to verify the conditions of service provision, when so required by the Ministry.

Art. 241.- The Ministry shall determine the admission requirements for professionals, technicians and assistants in health establishments.

Art. 242.- Establishments that provide certain specialised care should preferably have specialised professionals.

Art. 243.- The directors and administrators of healthcare establishments are obliged to comply with and enforce the rules laid down by the Ministry to prevent the transmission of infectious and contagious diseases to the staff of the establishment and the community.

Art. 244.- Any change of owner or any modification to the facilities, as well as the cessation of activity or relocation of health establishments, shall require the prior authorisation of the Ministry.

Art. 245.- Companies and enterprises that provide health services through the prepaid healthcare system must be authorised and registered in advance with the Ministry, which shall regulate their activities.

Art. 246.- The Executive Branch shall authorise the licensing of establishments intended for the application of ionising radiation.

Art. 248.- The Ministry shall establish standards for the handling of radioactive sources, facilities, and personnel protection, taking into account and preventing the disposal of radioactive waste.

Art. 249.- Those who operate medical devices and equipment that emit ionising radiation shall enjoy compensatory benefits for the risks of their work.

Art. 250.- Blood banks must keep records of donors and haematological typing, in accordance with the rules laid down by the Ministry.

Art. 251.- Human blood, plasma and its derivatives may only be used for medical and surgical purposes and under medical prescription.

Art. 252.- The export of human blood, plasma and their derivatives for commercial purposes is prohibited.

Art. 253.- The import and export of biological products for human use and against zoonoses must be authorised in advance by the Ministry, except as provided for in the previous Article.

Art. 254.- The Ministry shall establish the rules and procedures for the extraction, storage and supply of blood, plasma and derivatives, as well as for the specialised biological controls to which they must comply.

Art. 255.- Pharmaceutical laboratories whose manufacturing plants are located abroad may operate in the country only on a wholesale basis and through a pharmaceutical representative authorised by the Ministry, and are prohibited from retail sales.

Art. 256.- Pharmaceutical establishments must be registered, authorised, and controlled by the Ministry.

Art. 257.- The sale of medicines to the public shall be carried out exclusively in pharmacies and establishments authorised by the Ministry.

Art. 258.- Establishments that manufacture veterinary or phytosanitary products shall be registered in advance with the Ministry.

CHAPTER II
BEAUTY SALONS AND RELATED ACTIVITIES

Art. 259.- Beauty establishments and related activities shall be registered in advance with the Ministry, which shall exercise control over their activities.

Art. 260.- It is prohibited to use substances, products or devices in beauty establishments and related activities that have not been previously registered with the Ministry.

CHAPTER III
THERAPEUTIC RESOURCES

SECTION I
MEDICINES

Art. 261.- A medicine is any substance, simple or compound, of organic or inorganic origin, natural or synthetic, which, when administered in appropriate doses to a human or animal organism, serves for the diagnosis, prevention, treatment and rehabilitation of its functional state. For the purposes of this Code, dietary foods, foods and cosmetics to which medicinal substances have been added are also considered as such.

Art. 262.- Medicines must be marketed under a registered name.

Art. 263.- The Ministry shall periodically determine which medicines may be marketed and shall set their prices.

Art. 264.- The Ministry shall publish the Yearbook of Pharmaceutical Specialities and the Weekly Price Fixing Bulletin.

Art. 265.- It is prohibited to market or donate medicines that are damaged, adulterated, counterfeit or whose use is not authorised in the country of origin.

Art. 266.- The control of the manufacture and marketing of medicines shall comply with the regulations issued by the Ministry.

Art. 267.- The Ministry shall determine which medicines must be dispensed with a registered prescription, with a medical prescription, and which may be sold over the counter.

Art. 268.- The results of analyses and tests of medicines carried out by the Ministry, and other official documents related to them, may not be used for commercial advertising.

Art. 269.- The Ministry may require that imported medicines be kept in good condition while the clearance procedures for their removal are being completed.

Art. 270.- The import and export of free samples of medicines, perfumery or toiletries may only be carried out by their representatives registered with the Ministry.

Art. 271.- Free samples must have the same composition and manufacture as those intended for sale, with each package clearly stating that their sale is prohibited.

Art. 272.- The import, export and production of free samples containing narcotics and other dangerous drugs require prior authorisation from the Ministry.

SECTION II
MEDICAL, DENTAL AND LABORATORY APPARATUS, INSTRUMENTS, EQUIPMENT AND MEDICAL, DENTAL AND LABORATORY DEVICES

Art. 273.- The Executive Branch may regulate the use and trade of medical, dental and laboratory apparatus, instruments, equipment and devices and determine maximum sale prices.

Art. 274.- Establishments engaged in the manufacture, import, export, or repair of medical, dental, and laboratory apparatus, instruments, equipment, and devices

laboratory devices must first register with the Ministry, which shall exercise the corresponding control.

SECTION III
ON THE DISPOSAL OF HUMAN ORGANS AND TISSUES

Art. 275.- The Ministry shall regulate and control the procurement, preservation, use and supply of organs, tissues or parts thereof from living human beings or cadavers for therapeutic, research or teaching purposes.

Art. 276.- For the use of organs, tissues or parts thereof from living beings or corpses for the purposes set forth in the previous article, it is required that the donor's will has been expressed in writing without coercion, or that the written consent of their heirs has been obtained.

Art. 277.- The transplantation of organs, tissues or parts thereof between human beings, using standard techniques and not for experimental purposes, is considered.

Art. 278.- The transplantation of organs, tissues or parts thereof in human beings may be carried out provided that at least two medical professionals, in consultation with each other or in collaboration with other health science professionals, certify that it will not alter the donor's chances of survival and that it can reasonably serve to prolong or improve the recipient's health.

Art. 279.- The donation of organs, tissues or parts thereof for transplantation by persons affected by the disabilities provided for in the Law, pregnant women and persons deprived of their liberty is prohibited.

SECTION IV
PERFUMERY, BEAUTY, TOILETRIES AND DOMESTIC
HYGIENE PRODUCTS

Art. 280.- In order to industrially manufacture or import perfumery, beauty, toiletries and domestic hygiene products, they must first be registered with the Ministry, which shall exercise control over them.

BOOK V
SOCIAL WELFARE

Art. 281.- The Ministry shall promote the creation of social welfare entities that encourage cooperation among the population through solidarity and volunteer work programmes.

Art. 282.- The Ministry shall keep a register of public and private social welfare entities, authorise their operation and monitor their activities.

TITLE I
PROMOTION OF SOCIAL WELFARE

Art. 283.- The Ministry shall establish a system of social services to stimulate the improvement of the standard of living of the population.

Art. 284.- The Ministry shall facilitate the active participation of communities in social welfare plans, programmes and activities.

TITLE II
FAMILY, CHILD AND ELDERLY WELFARE

Art. 285.- The Ministry shall plan and implement actions aimed at creating and maintaining favourable conditions for the establishment and stability of families and their welfare.

Art. 286.- The Ministry shall promote family responsibility, fundamentally in the development and education of minors. It shall encourage the creation of substitute homes for abandoned minors and shall coordinate with the activities of other public or private entities in this area.

Art. 287.- The Ministry shall promote counselling and psychosocial assistance services for homeless women and abandoned adolescents.

Art. 288.- The Ministry shall plan and implement actions relating to the health and well-being of the elderly, in order to provide them with a standard of living appropriate to their needs.

BOOK VI
ON INTERNATIONAL RELATIONS IN THE FIELD OF HEALTH

TITLE I
GENERAL PROVISIONS

Art. 289.- The Ministry shall represent the National Government in its relations with the World Health Organisation and its affiliates, as well as with other international cooperation agencies, in matters of health.

Art. 290.- Official representatives to international conferences, seminars, and scientific meetings related to health shall be appointed by the Executive Branch at the proposal of the Ministry.

TITLE II
HEALTH IN THE FIELD OF MIGRATION

Art. 291.- In order to enter the country, persons must present to an official of the Ministry the health certificates required by international conventions and other laws.

Art. 292.- Foreigners, for permanent admission to the country, must have the health documents from their country of origin, as stipulated in this Code and other laws. To this end, the body responsible for implementing national migration policy shall give prior notice to the Ministry.

TITLE III
RIVER, AIR AND LAND HEALTH

Art. 293.- The units of an international transport company, as well as those that occasionally carry out tourist trips, must meet the health conditions required by the Ministry.

Art. 294.- International transport units, whether river, air or land, are subject to medical inspection by the Ministry, which may order the disembarkation and isolation of any person or animal suspected of suffering from a disease subject to international regulation, the treatment of objects or materials presumed to be contaminated, or the quarantine of vehicles.

Art. 295.- For the entry or exit from the country of any used personal item that is not part of passenger luggage, a disinfection certificate issued or endorsed by the competent health authorities of the country of origin must be provided.

Art. 296.- The frequency, procedure and general rules for disinfection, insect control and rodent control of all means of public transport, whether land, river or international air, shall be established in accordance with the provisions of this Code and its regulations and under the terms determined by the international conventions signed by Paraguay, with the Ministry being responsible for monitoring compliance.

Art. 297.- Free passage may be granted to international ships and aircraft that comply with the provisions established in this Code and the international agreements signed by the National Government.

Art. 298.- The Executive Branch may implement the necessary preventive and traffic restriction measures, adopting health measures aimed at preventing and controlling the spread of disease and contamination of adjacent areas, in accordance with the rules of international law.

BOOK VII
ON VIOLATIONS, SANCTIONS, PROCEDURES, PRESCRIPTIONS AND FORFEITURES

TITLE I
ON VIOLATIONS

Art. 299.- Those responsible for an action or omission that violates the provisions of this Code shall be guilty of a health offence.

Art. 300.- Establishments whose installation and operation do not comply with the provisions of this Code shall be subject to the corrective measures provided for therein.

Art. 301.- Legal persons shall be subject to the legal provisions governing the matter and to those that determined their creation.

TITLE II
SANCTIONS

Art. 302.- The penalties established by this Law are: warning, fine, confiscation, closure, suspension and cancellation of registration, which shall be applied by the Ministry taking into account the special circumstances of each case in accordance with the provisions of this TITLE.

Art. 303.- Any person who commits a minor offence and has no previous record shall be punished with a warning.

Art. 304.- When the violation of the provisions of this Code is more serious than that indicated in the previous Article, the offender shall be liable to a fine, the amount of which shall be applied in each case, taking into account the seriousness of the offence and the offender's record.

Art. 305.- The amount of the fines shall be applied in sums equivalent to daily wages for various activities not specified in the Capital. This shall in no case exceed 100 daily wages.

Art. 306.- When certain objects, elements, substances, or products are found to be in violation of the provisions of this Code, they shall be subject to confiscation and shall remain at the disposal of the Ministry for legal purposes.

Art. 307.- Health science professionals, technicians and assistants shall be liable to suspension for a period not exceeding six months or cancellation of their registration for a period not exceeding three years when they refuse to provide their services to a patient or abandon a patient under their care, or when, due to their negligence, they are responsible for the death or disability of their patient, or for the spread of a communicable disease that poses a serious risk to public health

, as well as those who issue false certificates, analyses, opinions or reports or voluntarily violate professional secrecy.

Art. 308.- When an establishment is found to be in violation of the rules set forth in this Code, the Ministry may impose sanctions, ordering the partial or total, temporary or permanent closure of said establishment. Temporary closure may not exceed a maximum period of 40 days.

TITLE III
AGGRIVATING AND MITIGATING CIRCUMSTANCES

Art. 309.- For the purposes of applying the penalties provided for in this Code, the Ministry shall take into account any mitigating and aggravating circumstances that may compromise the offender's liability.

Art. 310.- Repeated offences and recidivism shall be considered aggravating circumstances, as shall violations of measures made mandatory by the Executive Branch in a state of emergency. In such cases, the highest penalty shall be imposed on the offender.

Art. 311.- When a person is penalised for an offence or commits the same offence within two years, they shall be considered a repeat offender.

Art. 312.- When a person commits two or more offences on the same occasion or in different circumstances within a period of two years, without having been punished for any of them, they shall be considered a repeat offender for the purposes of this Code.

Art. 313.- Actions or omissions that violate health provisions aimed at regaining control of factors affecting people's health shall be considered violations of the measures established as mandatory by the Executive Branch in a state of emergency.

Art. 314.- Mitigating or extenuating circumstances are those that tend to reduce or exempt the offender from liability, which may include: confession, good faith, lack of prior record, unforeseeable circumstances, and force majeure.

TITLE IV
PROCEDURE

Art. 315.- The penalties provided for in this Code shall be applied by the Ministry, following an administrative investigation, in which the alleged offender shall be given the opportunity to defend themselves, either personally or through a professional solicitor.

Art. 316.- Once the administrative investigation has been ordered, the alleged offender shall be notified to appear to exercise their defence within a period not exceeding 48 hours, without prejudice to its extension due to distance. If the person concerned does not appear, the Ministry shall issue a decision within three days.

Art. 317.- If the offender appears to present their defence, a hearing shall be scheduled at which the parties shall be heard and minutes shall be taken, and the Ministry shall issue a decision within three days.

Art. 318.- An appeal for reconsideration may be lodged against the decision issued by the Ministry in the case referred to in the previous article, which shall be substantiated and must be submitted within five days of notification.

Art. 319.- The decision on the appeal for reconsideration shall be issued within three days and may be appealed by the affected party before the Court of Auditors within ten working days, through administrative litigation.

Art. 320.- For the purposes of judicial collection of the fines imposed, the authenticated copy of the enforceable decision imposing the fine shall constitute sufficient grounds for enforcement. In the enforcement proceedings, no exceptions shall be admitted other than proof of payment by authentic document or the statute of limitations.

TITLE V
STATUTE OF LIMITATIONS AND PERENNIALITY

Art. 321.- The penalties established in this Code shall expire two years after they were imposed.

Art. 322.- Actions aimed at penalising infringements of the provisions of this Code shall be time-barred one year after they were committed.

Art. 323.- Administrative proceedings that have not been initiated by the Ministry or by the offender within a period of three months from the last action taken shall result in the administrative proceedings becoming time-barred.

FINAL PROVISIONS

Art. 324.- The amount of fines collected by the Ministry shall be deposited in a special account supervised by the Ministry of Finance and shall be used to increase and strengthen the Ministry's programmes.

Art. 325.- The Executive Branch shall regulate the provisions contained in this Code.

Art. 326.- The Ministry shall issue technical standards for compliance with the provisions of this Code and its regulations.

Art. 327.- Any legal provisions contrary to those of this Code are hereby repealed.

Art. 328.- Communicate to the Executive Branch.

GIVEN IN THE CHAMBER OF THE NATIONAL CONGRESS ON THE FOURTH DAY OF DECEMBER OF THE YEAR NINETEEN HUNDRED AND EIGHTY.

Asunción, 15 December 1980.

DECREE No. 1,635

REGULATING ARTICLE No. 175 OF LAW No. 836/80
HEALTH CODE

Asunción, 12 January 1999.

HAVING REGARD TO: Article 72 of the National Constitution, Article 5 of Law No. 836/80 "Health Code," Law No. 81/92 "Establishing the Organic and Functional Structure of the Ministry of Agriculture and Livestock," Law No. 1.173/85 "Customs Code"; and,

CONSIDERING: That it is the function of the State to ensure the quality control of food products, beverages, and additives during the stages of production, importation, and commercialisation;

That the national health and social welfare policy shall be established periodically by the Executive Branch, through the Ministry of Public Health and Social Welfare;

That it is necessary to regulate the aforementioned article of said Law in accordance with the high responsibilities that institutions must assume, especially in relation to consumer health and safety;

THEREFORE: in exercise of his powers,

THE PRESIDENT OF THE REPUBLIC OF PARAGUAY

DECREES:

Art. 1.- The health registration of food products, beverages, and additives intended for human consumption throughout the national territory shall be mandatory for manufacturers, representatives, importers, distributors, and others.

Art. 2.- The Ministry of Public Health and Social Welfare, through the National Institute of Food and Nutrition (INAN), is authorised to establish the conditions and requirements for the operation of said health registration.

Art. 3.- Establish a five-year validity period for the health registration.

Art. 4.- It is hereby provided that the General Customs Directorate shall not process shipments of imported food products, beverages and additives of plant, animal or mineral origin without the Health Registration issued by the Ministry of Public Health and Social Welfare.

Art. 5.- The Ministry of Public Health and Social Welfare, through the National Institute of Food and Nutrition (INAN), is authorised to grant the validity of the health registration for each import operation and to collect the corresponding fee.

Art. 6.- It is hereby established that in cases of importation of food of animal or vegetable origin, the corresponding authorisation from the Ministry of Agriculture and Livestock must be obtained.

Art. 7.Establishes that the agencies responsible for the implementation of this Decree shall be the Ministry of Public Health and Social Welfare, through the National Institute of Food and Nutrition (INAN); the Ministry of Industry and Commerce, through the Undersecretary of State for Commerce; the Ministry of Agriculture and Livestock, respectively; and the Ministry of Finance, through the General Directorate of Customs, in accordance with their respective areas of competence.

Art. 8.- This Decree shall be countersigned by the Ministers of Public Health and Social Welfare, Industry and Trade, Agriculture and Livestock, and Finance, respectively.

Art. 9.- Communicate, publish and enter into the Official Register.