

NATIONAL NUTRITION MANAGEMENT ACT

Act No. 10191, Mar. 26, 2010

Amended by Act No. 10789, jun. 7, 2011

Act No. 11440, May 23, 2012

Act No. 13367, jun. 22, 2015

Act No. 13643, Dec. 29, 2015

Article 1 (Purpose)

The purpose of this Act is to promote the nutrition and health of people and to contribute to the improvement of the quality of people's lives by establishing and implementing systematic national nutrition policies based on scientific research and studies on diet of people.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "diet" means all the stylized acts related to the intake of food, such as food culture, eating habits, the selection and consumption of food, etc.;
2. The term "nutrition management" means to enable people to prevent diseases and maintain good health through the supply of proper nutrition and the improvement in the proper diet;
3. The term "nutrition management services" means services, such as education, consultation, etc., conducted in consideration of characteristics of the nutrition management, such as a life cycle, etc., for the nutrition management of people.

Article 3 (Duty of State and Local Governments)

- (1) The State and a local government shall provide people with information on the proper diet and nutrition management.
- (2) The State and a local government shall establish and execute measures necessary for the nutrition management of people.
- (3) A local government may employ public officials for the performance of nutrition management services.

Article 4 (Responsibilities of Dietitians, etc.)

- (1) A dietitian shall endeavor to promote nutrition and health of people by improving his/her technical ability through the continuous acquisition of the knowledge and technics of nutrition.
- (2) Organizations related to food, nutrition and diet, and persons engaged therein, and persons participating in nutrition management services shall endeavor to promote health of people through their

voluntary participation and solidarity.

Article 5 (Rights, etc. of People)

(1) Anyone shall have the right to promote his/her health through nutrition management services, and none of his/her rights shall be infringed on grounds of discrimination of gender, age, religion, social status or economical conditions, etc.

(2) All people shall endeavor to protect and promote the health of themselves and their families through the proper nutrition management.

Article 6 (Relationship with Other Acts)

Except for otherwise prescribed by other Acts, this Act shall apply to the national nutrition management.

Article 7 (Master Plans for National Nutrition Management)

(1) The Minister of Health and Welfare shall formulate a master plan for the national nutrition management (hereinafter referred to as "master plan") every five years in consultation with the heads of the related central administrative agencies and through deliberation of the National Health Promotion Policy Deliberative Committee (hereinafter referred to as the "Committee") under Article 5 of the National Health Promotion Act.

(2) Matters referred to in the following subparagraphs shall be included in a master plan:

1. The midium and long-term objectives of a master plan and direction-setting for the promotion thereof;
2. A plan for the promotion of nutrition management services referred to in the following items:
 - (a) Nutrition and diet education services pursuant to Article 10;
 - (b) Nutrition management services for poorly nourished classes, etc. pursuant to Article 11;
 - (c) Research on nutrition and diet for nutrition management pursuant to Article 13;
 - (d) Other nutrition management services prescribed by Presidential Decree;
3. Main projects to be promoted for each year and methods for the promotion thereof;
4. The amount of fund required and a plan for financing and managing the fund;
5. Other matters necessary for the formulation of nutrition management policies.

(3) Where the Minister of Health and Welfare has formulated a master plan pursuant to paragraph (1), he/she shall notify the heads of the related central administrative agencies, the Special Metropolitan City Mayor, Metropolitan City Mayors, Do governors, the Governor of the Special Self-governing Province (hereinafter referred to as "Mayor/Do governor") and the head of a Si/Gun/Gu (referring to the head of autonomous Gu; hereinafter the same shall apply) of the master plan.

(4) Necessary matters concerning procedures for consultation according to the formulation of master plans referred to in paragraph (1) and methods of notification referred to in paragraph (3) shall be prescribed by Ordinance of the Ministry of Health and Welfare.

Article 8 (Action Plans for National Nutrition Management)

(1) The head of a Si/Gun/Gu shall formulate and execute an action plan for the national nutrition management (hereinafter referred to as "action plan") every year in accordance with a master plan, and

submit the action plan and the outcomes of the promotion thereof to the Minister of Health and Welfare via Mayor/Do governor.

(2) The Minister of Health and Welfare shall assess an action plan and the outcomes of the promotion thereof submitted by a Mayor/Do governor in accordance with the methods prescribed by Ordinance of the Ministry of Health and Welfare.

(3) Matters necessary for the formulation and promotion of an action plan shall be prescribed by Municipal Ordinance of the relevant local government, in accordance with standards prescribed by Ordinance of the Ministry of Health and Welfare.

Article 9 (Deliberation of National Nutrition Policies, etc.)

The Committee shall deliberate on the following matters for the national nutrition management:

1. Matters concerning the objectives of national nutrition policies and the direction of the promotion thereof;
2. Matters concerning the formulation of a master plan;
3. Other matters the chairperson of the Committee deems necessary for nutrition management.

Article 10 (Nutrition and Diet Education Services)

(1) The State and a local government shall conduct nutrition and diet education for the health of people, and develop and propagate programs and materials necessary for the nutrition and diet education.

(2) Matters necessary for objects, details, methods, etc. of nutrition and diet education pursuant to paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare.

Article 11 (Nutrition Management Services for Poorly Nourished Classes of People)

The State and a local government may perform any of the following nutrition management services:

<Amended by Act No. 10789, Jun. 7, 2011>

1. Nutrition management services for poorly nourished classes, such as infants, pregnant women, children, senior citizens, homeless people and inmates in social welfare facilities;
2. Nutrition management services to facilities and organizations, such as day care centers, kindergartens, schools, mass feeding facilities, medical facilities and social welfare facilities, etc.;
3. Nutrition management services for the prevention of diseases, such as living habit diseases, etc.

Article 12 (Statistics and Information)

(1) The Minister of Health and Welfare shall collect and manage statistics and information on food and nutrition so that he/she may utilize them in formulating nutrition policies and providing nutrition management services, etc.

(2) Where it is necessary for the collection and management of statistics and information pursuant to paragraph (1), the Minister of Health and Welfare may request a related institution or organization to provide him/her with materials.

(3) An institution or organization requested to provide the Minister of Health and Welfare with materials pursuant to paragraph (2) shall comply with such a request faithfully.

Article 13 (Research into Nutrition and Diet for Nutrition Management)

(1) The State and a local government may conduct the following research for studies on nutritional issues of communities:

1. Research in the intake of food and nutrients;
2. Research in diet behavior;
3. Research in nutritional conditions;
4. Other research prescribed by Presidential Decree necessary for nutritional issues.

(2) The Minister of Health and Welfare shall conduct regular research into nutrition and diet of people concerning the intake of food, diet, etc. of people.

(3) The timing and methods of research pursuant to paragraphs (1) and (2), and other necessary matters shall be prescribed by Presidential Decree.

Article 14 (Establishment and Propagation of Nutrient Intake Standards and Dietary Guidelines)

(1) The Minister of Health and Welfare shall establish nutrient intake standards necessary to promote the health of people, make regular amendments thereto and systematically propagate the standards to the academic and industrial circles as well as related institutions, etc.

(2) The Minister of Health and Welfare shall establish guidelines for diet in consideration of characteristics by disease and by life cycle, etc. for the promotion of health and the improvement of the quality of people's lives, and make regular amendments thereto and propagate the guidelines.

(3) Detailed matters, such as standards for intake of nutrients pursuant to paragraph (1) and the main contents of the guidelines for diet and the period of publication, etc. pursuant to paragraph (2), shall be prescribed by Ordinance of the Ministry of Health and Welfare.

Article 15 (Dietitian Licenses)

(1) A person who intends to be a dietitian shall be any of the following persons and obtain a license from the Minister of Health and Welfare after he/she has passed a national examination for dietitians: *<Amended by Act No. 13643, Dec. 29, 2015>*

1. A person who has majored in food science or dietetics at a university or college, an industrial college, a junior college, or an air and correspondence college under the Higher Education Act and meets the requirements for subjects and the completion of credits, etc. prescribed by Ordinance of the Ministry of Health and Welfare;
2. A person who has obtained a dietitian license overseas;
3. A person who graduated from a school recognized by the Minister of Health and Welfare among foreign training schools for dietitians.

(2) The Minister of Health and Welfare may entrust the management of a national examination pursuant to paragraph (1) to a related specialized institution recognized to be capable of managing the national examination, as prescribed by Ordinance of the Ministry of Health and Welfare.

(3) Matters necessary for the dietitian license and a national examination for dietitians, etc. shall be prescribed by Ordinance of the Ministry of Health and Welfare.

Article 16 (Disqualification)

No person who falls under any of the following subparagraphs shall obtain a dietitian license:

1. A mentally challenged person pursuant to subparagraph 1 of Article 3 of the Mental Health Act: Provided, That this shall not apply to a person deemed appropriate for a dietitian by a medical specialist;
2. A person prescribed by Ordinance of the Ministry of Health and Welfare among patients with communicable diseases pursuant to subparagraph 13 of Article 2 of the Infectious Disease Control and Prevention Act;
3. A drug, marijuana or psychotropic drug addict;
4. A person in whose case one year has not passed since his/her dietitian license was revoked.

Article 17 (Duties of Dietitians)

A dietitian shall conduct the following duties:

1. Education and consultation about nutrition and diet for the promotion of health and patients;
2. Provision of information on food nutrition;
3. Preparation of a menu, food sampling and management of food distribution;
4. Inspection and management of food products purchased;
5. Hygienic management of feeding facilities;
6. Preparation of a daily record of the operation of mass feeding facilities;
7. Nutrition guidance and hygiene education to employees.

Article 18 (Registration of Licenses)

- (1) Where the Minister of Health and Welfare grants a dietitian license, he/she shall register matters concerning such a license on the register of dietitian licenses and issue a dietitian license.
- (2) No dietitian shall lend his/her license to a third person.
- (3) Necessary matters concerning registration of licenses and issuance of a license pursuant to paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare.

Article 19 (Prohibition of Use of Title)

A person who has failed to obtain a dietitian license pursuant to Article 15 shall not use the title of a dietitian.

Article 20 (Remedial Education)

- (1) Dietitians engaged in their own duties in a health institution, medical institution, mass feeding facilities, etc. shall receive remedial education for the improvement of nutrition management standards and the quality of dietitians.
- (2) Necessary matters concerning the timing, objects, expenses and methods, etc. of remedial education pursuant to paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare.

Article 20-2 (Reports on Actual Condition, etc.)

- (1) Any dietitian shall report, on a three-yearly basis, after obtaining his/her first license, the actual condition and employment status to the Minister of Health and Welfare.

(2) The Minister of Health and Welfare may return a report pursuant to paragraph (1) to a dietitian who fails to receive remedial education under Article 20 (1).

(3) The Minister of Health and Welfare may entrust the acceptance of a report pursuant to paragraph (1) to related organization, etc., as prescribed by Presidential Decree.

Article 21 (Revocation, etc. of Licenses)

(1) Where a dietitian falls under any of the following subparagraphs, the Minister of Health and Welfare may revoke his/her license: Provided, That where he/she falls under subparagraph 1, the Minister of Health and Welfare shall revoke his/her license: *<Amended by Act No. 11440, May 23, 2012>*

1. Where he/she falls under any of subparagraphs 1 through 3 of Article 16;
2. Where he/she performs any of his/her duties as a dietitian while his/her license is suspended pursuant to paragraph (2);
3. Where he/she has been subjected to a disposition to suspend a license on at least three occasions pursuant to paragraph (2).

(2) Where a dietitian falls under any of the following subparagraphs, the Minister of Health and Welfare may order the suspension of his/her license within a fixed period not exceeding six months:

1. Where a dietitian is formally responsible for food poisoning or the occurrence of a serious accident related to other hygiene in the course of conducting his/her business;
2. Where he/she lends his/her license to a third person to allow him/her to use it.

(3) Detailed standards for administrative dispositions pursuant to paragraphs (1), (2) and (5) shall be prescribed by Presidential Decree in consideration of the type of the offense and the degree of the violation, etc. *<Amended by Act No. 11440, May 23, 2012>*

(4) Where the Minister of Health and Welfare intends to render a disposition to revoke a license referred to in paragraph (1) or disposition to suspend a license referred to in paragraph (2), he/she shall hold a hearing.

(5) Where a dietitian fails to make a report pursuant to Article 20-2, the Minister of Health and Welfare may suspend the effectiveness of the license until he/she makes a report. *<Newly Inserted by Act No. 11440, May 23, 2012>*

Article 22 (Dietitians Association)

(1) Dietitians may establish the Dietitians Association (hereinafter referred to as the "Association") for research on nutrition, the establishment of ethics of dietitians and the promotion of rights and interests of dietitians and the improvement of the quality thereof, as prescribed by Presidential Decree.

(2) The Association shall be a juridical person.

(3) The provisions on incorporated associations in the Civil Act shall apply mutatis mutandis to matters not prescribed in this Act concerning the Association.

Article 23 (Clinical Dietitians)

(1) The Minister of Health and Welfare may recognize qualifications for a clinical dietitian in addition to a dietitian license to a dietitian who conducts duties, such as judgment of nutrition, consultation about

nutrition, monitoring and assessment of nutrients, etc., for health management.

(2) Necessary matters concerning the duties of a clinical dietitian, standards for qualifications therefor, issuance of a certificate of qualifications therefor, etc. pursuant to paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare.

Article 24 (Subsidization)

The State or a local government may partially bear expenses incurred in providing nutrition management services or subsidize a corporation or organization performing services within budgetary limits every fiscal year.

Article 25 (Delegation or Entrustment of Authority)

(1) The Minister of Health and Welfare may delegate part of his/her authority under this Act to a Mayor/Do governor, as prescribed by Presidential Decree.

(2) The Minister of Health and Welfare may entrust part of his/her business under this Act to a related specialized institution, as prescribed by Presidential Decree.

Article 26 (Fees)

(1) The head of a local government may collect fees from users for part of expenses incurred in nutrition management services, as prescribed by Municipal Ordinance.

(2) Where the head of a local government collects fees pursuant to paragraph (1), he/she shall exempt senior citizens, disabled persons and beneficiaries under the National Basic Living Security Act from fees.

(3) A person who intends to obtain a dietitian license or have his/her dietitian license, or who intends to apply for a national examination for dietitians shall pay a fee, as prescribed by Ordinance of the Ministry of Health and Welfare.

(4) The Korea Health Personnel Licensing Examination Institute established under the Korea Health Personnel Licensing Examination Institute Act entrusted with the management of national examinations for dietitians pursuant to Article 15 (2) may appropriate application fees for a national examination directly for management of the examination with approval of the Minister of Health and Welfare.

<Amended by Act No. 13367, Jun. 22, 2015>

Article 27 (Legal Fiction of Public Official in Application of Penal Provisions)

An executive or employee of a specialized institution engaged in business entrusted pursuant to Article 15 (2) shall be deemed a public official in the application of the penal provisions under Articles 129 through 132 of the Criminal Act.

Article 28 (Penal Provisions)

(1) A person who has lent his/her dietitian license to a third person, in violation of Article 18 (2), shall be punished by imprisonment for not more than one year or by a fine not exceeding ten million won.

(2) A person who has used the title of a dietitian, in violation of Article 19, shall be punished by a fine not exceeding three million won.

Article 29 Deleted. *<by Act No. 11440, May 23, 2012>*

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That Article 23 shall enter into force two years after the date of its promulgation.

Article 2 (Transitional Measures concerning Dietitian Licenses)

A person who has obtained a dietitian license in accordance with the Food Sanitation Act as at the time this Act enters into force shall be deemed obtained adietitian license under this Act.

Article 3 (Transitional Measures concerning Establishment of Korean Dietetic Association)

The Korean Dietetic Association, the incorporated association, registered with the Ministry of Health and Welfare as at the time this Act enters into force shall be deemed the Dietitians Association pursuant to Article 22.

Article 4 (Transitional Measures concerning Infectious Disease Control and Prevention Act)

A "communicable disease patient pursuant to subparagraph 13 of Article 12 of the Infectious Disease Control and Prevention Act" in subparagraph 2 of Article 16 shall be construed as a "contagious disease patient pursuant to Article 2 (2) of the Prevention of Contagious Diseases Act" until December 29, 2010.

Article 5 (Special Cases on Recognition of Qualifications for Clinical Dietitian)

Notwithstanding Article 23, relaxed standards for recognition of qualifications for a clinical dietitian may be applied to a dietitian prescribed by Ordinance of the Ministry of Health and Welfare among the dietitians who have completed a course of study for a clinical dietitian from the Korean Dietetic Association, the incorporated association, before this Act enters into force.

Article 6 Omitted.

ADDENDA <Act No. 10789, Jun. 7, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 6 Omitted.

ADDENDA <Act No. 11440, May 23, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force three years after the date of its promulgation.

Article 2 (Transitional Measures concerning Dietitian Reports)

(1) Any person who obtained a dietitian license as at the time this Act enters into force pursuant to the former provision shall report the actual condition and employment status within one year after this Act enters into force, as prescribed by Ordinance of the Ministry of Health and Welfare.

(2) Where any person who obtained a dietitian license fails to make a report pursuant to paragraph (1), the Minister of Health and Welfare may suspend the effectiveness of the license from the time when a report period terminates until the time when he/she makes a report.

ADDENDA <Act No. 13367, Jun. 22, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 5 Omitted.

ADDENDUM <Act No. 13643, Dec. 29, 2015>

This Act shall enter into force on the date of its promulgation.

