

# ACT ON RESEARCH, DEVELOPMENT, AND PROMOTION OF HEALING AGRICULTURE

Act No. 17100, Mar. 24, 2020

## CHAPTER I GENERAL PROVISIONS

### **Article 1 (Purpose)**

The purpose of this Act is to contribute to the promotion of people's health, the improvement of the quality of life, and sustainable growth of agriculture and agricultural communities by providing for matters concerning the research, development, and promotion of healing agriculture and by boosting healing agriculture with resources of agriculture and agricultural communities.

### **Article 2 (Definitions)**

The terms used in this Act are defined as follows:

1. The term "healing agriculture" means the industry that creates social or economic added value by utilizing various resources of agriculture and agricultural communities (hereinafter referred to as "resources for healing agriculture"), which are used for promoting the recovery, maintenance, and enhancement of people's health, and by conducting related activities;
2. The term "facilities for healing agriculture" means facilities (including equipment) built suitably for activities relating to healing agriculture, in consideration of the effect of healing in users and safety;
3. The term "healing agriculture services" means the provision of educational programs or the systematic implementation of programs designed for the recovery and promotion of psychological, social, and physical health by utilizing resources and facilities for healing agriculture;
4. The term "healing agriculture specialist" means a person who performs the specialized work specified by Presidential Decree, such as the development and implementation of healing agriculture programs, with the qualification acquired pursuant to Article 11 (1).

### **Article 3 (Responsibilities of the State and Local Governments)**

(1) The State and local governments shall establish and implement policies for establishing infrastructure necessary for the research, development, and promotion of healing agriculture.

(2) The State and local governments shall prepare plans for technical and financial support necessary for the establishment and implementation of policies under paragraph (1).

#### **Article 4 (Relationship to Other Statutes)**

Except as otherwise provided in other statutes, the Act shall apply to the research, development, and promotion of healing agriculture.

## **CHAPTER II COMPREHENSIVE PLAN FOR RESEARCH, DEVELOPMENT, AND PROMOTION OF HEALING AGRICULTURE**

#### **Article 5 (Establishment of Comprehensive Plan)**

(1) The Administrator of the Rural Development Administration shall establish a five-year comprehensive plan for the research, development, and promotion of healing agriculture (hereinafter referred to as “comprehensive plan”) every five years in order to promote healing agriculture. Such comprehensive plan shall be subject to deliberation by the Presidential Advisory Council on Science and Technology under the Presidential Advisory Council on Science and Technology Act.

(2) The comprehensive plan shall include the following matters:

1. The current status and prospects of healing agriculture;
2. The basic direction of the research, development, and promotion of healing agriculture and medium- and long-term goals;
3. Medium- and long-term plans for the research, development, and promotion of healing agriculture;
4. Dissemination of technologies for healing agriculture and international cooperation therein;
5. Education and training relating to healing agriculture and the production of specialized workforce;
6. The promotion of commercialization of technologies for healing agriculture;
7. Exchange of information about healing agriculture and the interconnection of industries;
8. Other matters that the Administrator of the Rural Development Administration considers necessary for the research, development, and promotion of healing agriculture.

(3) The Administrator of the Rural Development Administration shall establish and implement an annual implementation plan (hereinafter referred to as “implementation plan”) according to the comprehensive plan.

(4) If necessary to establish the comprehensive plan, the Administrator of the Rural Development Administration may request the heads of relevant central administrative agencies and local governments and the heads of relevant institutions and organizations to provide information. Upon the receipt of a request to provide information, the heads of relevant central administrative agencies and local governments and the heads of relevant institutions and organizations shall comply with such request, unless a compelling reason exists not to do so.

(5) When the Administrator of the Rural Development Administration establishes or amends the comprehensive plan or implementation plan, he or she shall notify the plan to the heads of relevant central administrative agencies and local governments and shall submit the plan to the competent standing committee of the National Assembly, without delay; Provided, That the same shall not apply where it is intended to modify any minor matter specified by Presidential Decree.

(6) Necessary matters concerning the procedure, etc, for establishing the comprehensive plan or implementation plan shall be prescribed by Presidential Decree.

#### **Article 6 (Current Situation Survey)**

(1) The Administrator of the Rural Development Administration shall conduct current situation surveys on healing agriculture (hereinafter referred to as “current situation surveys”) in order to establish and implement policies necessary for the research, development, and promotion of healing agriculture.

(2) If necessary for the current situation surveys under paragraph (1), the Administrator of the Rural Development Administration may request research institutes, organizations, etc. to provide information or present their opinions.

(3) Upon the receipt of a request to provide information or present opinions under paragraph (2), research institutes, organizations, etc. shall comply with such request, unless a compelling reason exists not to do so.

(4) The scope and methods of the current situation surveys under paragraph (1), the disclosure of findings, and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

#### **Article 7 (Establishment and Operation of Information Network for Healing Agriculture)**

The Administrator of the Rural Development Administration shall establish and operate an information network for healing agriculture in order to efficiently transmit information, data, etc. concerning healing agriculture to users.

### **CHAPTER III RESEARCH, DEVELOPMENT, AND DISSEMINATION OF HEALING AGRICULTURE**

#### **Article 8 (Research, Development, and Dissemination)**

(1) The Administrator of the Rural Development Administration shall implement the following projects for research, development, dissemination, etc.:

1. Research on policies and systems for healing agriculture;
2. The development of technologies for healing agriculture, including resources, facilities, and programs for healing agriculture, and the verification of, and research on, the effects of such technologies;

3. Research for the commercialization of technologies for healing agriculture;
  4. Projects for dissemination and demonstration for field application of healing agriculture services;
  5. Research on the quality of healing agriculture services, safety management, and the production and training of specialized workforce;
  6. Other matters that the Administrator of the Rural Development Administration considers necessary for the research, development, and dissemination of healing agriculture.
- (2) The Administrator of the Rural Development Administration may implement policies necessary to facilitate the commercialization of technologies developed under paragraph (1).
- (3) The Administrator of the Rural Development Administration may provide educational programs for safety and hygiene to the operators of facilities for healing agriculture in accordance with Ordinance of the Ministry of Agriculture, Food and Rural Affairs for the safety and hygiene control of users of facilities for healing agriculture.
- (4) Matters necessary for promoting research, development, and dissemination under the subparagraphs of paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 9 (Support for Business Startup)**

- (1) The Administrator of the Rural Development Administration may support the persons who commercialize technologies for healing agriculture or who intend to start a business for such purpose as follows:
1. Providing technologies for healing agriculture and achievements of research and development;
  2. Providing funds necessary for the establishment and operation of equipment and facilities for providing healing agriculture services;
  3. Consulting on special technologies, law, etc. necessary for business startup.
- (2) In providing support under the subparagraphs of paragraph (1), the Administrator of the Rural Development Administration may give preference to the agricultural business entities defined in subparagraph 3 of Article 2 of the Act on Fostering and Supporting Agricultural and Fisheries Business Entities.

#### **Article 10 (Implementation of Projects for Healing Agriculture by Local Governments)**

- (1) The head of a local government may implement the following projects in order to promote healing agriculture and prepare infrastructure for the development of healing agriculture:
1. The development and dissemination of technologies for healing agriculture by utilizing resources for healing agriculture in the area;
  2. The provision of healing agriculture services specialized for the area;
  3. The establishment and operation of facilities for education, practicing, and publicity on healing agriculture services specialized for the area;

4. Projects relating to support for business startup under the subparagraphs of Article 9 (1);
  5. Other projects that the head of a local government considers necessary.
- (2) The Administrator of the Rural Development Administration may give subsidies for expenses necessary for the projects under paragraph (1), within the budget.
- (3) The head of a local government may authorize the local agency affiliated with the local government for promoting agricultural community development (referring to the local agency for promoting agricultural community development under Article 3 of the Agricultural Community Development Promotion Act; hereinafter referred to as “local agricultural community development promotion agency”) to perform the projects under paragraph (1).

## CHAPTER IV ACQUISITION OF QUALIFICATION FOR, AND PRODUCTION OF, HEALING AGRICULTURE SPECIALISTS

### **Article 11 (Acquisition of Qualification for Healing Agriculture Specialist)**

- (1) A person who wishes to qualify for a healing agriculture specialist shall complete an educational course in an institution producing healing agriculture specialists under Article 13 (1) and shall pass the qualification examination conducted by the Administrator of the Rural Development Administration for healing agriculture specialists.
- (2) Further details necessary for examinations, including the qualification for applying for the qualification examination for healing agriculture specialists and examination subjects, shall be prescribed by Presidential Decree.
- (3) No person falling under any of the following subparagraphs shall qualify for a healing agriculture specialist:
1. A person under adult guardianship or a person under limited guardianship;
  2. A person in whose case two years have not passed since his or her imprisonment without labor or greater punishment sentenced by a court was completely executed or he or she was finally discharged from such imprisonment;
  3. A person who is under suspension of the execution of imprisonment without labor or greater punishment sentenced to him or her by a court;
  4. A person who forfeited his or her qualifications or whose qualifications are suspended by a court judgment or by a statute.
- (4) No person, except the persons who hold the qualification issued under this Act, shall use the title “healing agriculture specialist” or any other similar title.
- (5) No person shall borrow or lend a qualification certificate of a healing agriculture specialist from or to another person or arrange such borrowing or lending.

(6) Matters necessary for the procedure for the issuance and reissuance of qualification certificates of healing agriculture specialists and the management of such qualification certificates shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(7) When the State or a local government intends to provide healing agriculture services or conduct an educational program relating to healing agriculture, it shall assign healing agriculture specialists in accordance with Presidential Decree.

#### **Article 12 (Revocation of Qualification for Healing Agriculture Specialist)**

(1) If a healing agriculture specialist falls under any of the following, the Administrator of the Rural Development Administration may revoke the qualification or issue an order to suspend the qualification for a period not exceeding three years: Provided, That the Administrator of the Rural Development Administration must revoke the qualification of such healing agriculture specialist in cases of subparagraph 1, 2, or 3:

1. If a person acquired the qualification for a healing agriculture specialist by fraud or other improper means;
2. If a healing agriculture specialist is disqualified under any subparagraph of Article 11 (3);
3. If a healing agriculture specialist continues his or her service during the period of suspension of qualification;
4. If a healing agriculture specialist lends his or her qualification certificate to other person, in violation of Article 11 (5);
5. If a person arranges the lending of the qualification certificate of a healing agriculture specialist, in violation of Article 11 (5).

(2) Detailed criteria for the the revocation or suspension of qualification for a healing agriculture specialist under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 13 (Designation of Institutions Producing Healing Agriculture Specialists)**

(1) The Administrator of the Rural Development Administration or the Special Metropolitan City Mayor or a Metropolitan City Mayor, Special Self-Governing City Mayor, Do Governor or Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") may designate a local agricultural community development promotion agency, a university defined in Article 2 of the Higher Education Act, or an institution affiliated with a university as an institution producing agriculture specialists (hereinafter referred to as "training institution") in accordance with Presidential Decree in order to produce healing agriculture specialists.

(2) The State and local governments may give full or partial subsidies to training institutions on expenses necessary for producing healing agriculture specialists, within the budget.

(3) The procedure for the designation under paragraph (1), the contents of training programs, and other details necessary for the designation of training institutions shall be prescribed by Ordinance of the

Ministry of Agriculture, Food and Rural Affairs.

#### **Article 14 (Revocation of Designation of Training Institution)**

If a training institution falls under any of the following, the Administrator of the Rural Development Administration or the competent Mayor/Do Governor may revoke the designation or issue an order to take corrective measures, in accordance with Ordinance of the Ministry of Agriculture, Food and Rural Affairs: Provided, That in cases of subparagraph 1, the Administrator of the Rural Development Administration must revoke the designation:

1. If a training institution obtained the designation by fraud or other improper means;
2. If a training institution ceases to meet the requirements for designation;
3. If a training institution violates any regulation prescribed by Presidential Decree.

(2) The Administrator of the Rural Development Administration shall not designate a person whose registration was revoked under paragraph (1) (if the person is a corporation, including its representative) as a training institution for a period not exceeding one year from the date of revocation of the designation.

## CHAPTER V SUPPLEMENTARY PROVISIONS

#### **Article 15 (Hearings)**

When the Administrator of the Rural Development Administration intends to make any of the following dispositions, he or she shall hold hearings:

1. The revocation or suspension of qualification for a healing agriculture specialist under Article 12 (1);
2. The revocation of designation of a training institution under Article 14 (1).

#### **Article 16 (Delegation or Entrustment of Authority or Business Affairs)**

(1) The Administrator of the Rural Development Administration may delegate part of his or her authority under this Act to the head of a sub-agency, a Mayor/Do Governor, or the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) in accordance with Presidential Decree.

(2) The Administrator of the Rural Development Administration may entrust part of the business affairs assigned under this Act to relevant corporations or organizations in accordance with Presidential Decree.

(3) A Mayor/Do Governor may delegate or entrust the business affairs partially delegated to him or her under paragraph (1) again to the the head of a Si/Gun/Gu or a relevant corporation or organization, with prior approval from the Administrator of the Rural Development Administration.

## CHAPTER VI PENALTY PROVISIONS

#### **Article 17 (Penalty Provisions)**

Any of the following persons shall be punished by a fine not exceeding 10 million won:

1. A person who acquired the qualification for a healing agriculture specialist by fraud or other improper means, in violation of Article 11 (1);
2. A person who borrows or lends the qualification certificate of a healing agriculture specialist or who arranges such borrowing or lending, in violation of Article 11 (5);
3. A person who obtained the designation of a training institution under Article 13 (1) by fraud or other improper means.

#### **Article 18 (Administrative Fines)**

(1) Any of the following persons shall be subject to an administrative fine not exceeding five million won:

1. A person who acquired the qualification for a healing agriculture specialist, in violation of Article 11 (3);
2. A person who uses the title “healing agriculture specialist” or any other similar title, in violation of Article 11 (4).

(2) The administrative fines under paragraph (1) shall be imposed and collected by the Administrator of the Rural Development Administration or Mayors/Do Governors in accordance with Presidential Decree.

ADDENDUM <Act No. 17100, Mar. 24, 2020>

This Act shall enter into force one year after the date of its promulgation.