

An Empirical Study on Local Legislation of Traditional Chinese Medicine from the Perspective of the Trinity of Inheritance, Protection, and Development

Qing Tang^{1*}, Xiang Tang², Qinghua Hu¹

¹School of Political Science and Law, Jinggangshan University, Ji'an, China

²Yingtang Maternal and Child Health Hospital, Yingtang, China

Email: *1767257520@qq.com

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Abstract

In recent years, to ensure the inheritance, protection, and development of local traditional Chinese medicine (TCM), provinces across the country have successively formulated or revised TCM regulations, legislating around such aspects as local TCM services and regulation, protection and development, education and talent, as well as culture and communication. These regulations exhibit prominent characteristics, including attaching importance to talent cultivation and inheritance, promoting the popularization of TCM culture, facilitating the overseas dissemination of TCM culture, and emphasizing the protection of Chinese medicinal materials and industrial development. However, in the legislation of various provinces, there are still problems such as insufficient protection of intellectual property rights, overly simplistic provisions for industrial promotion, inadequate safeguard measures, and insufficient support. Therefore, based on local practices, strengthening the protection of local TCM intellectual property rights, refining provisions for industrial promotion, improving safeguard measures, and enhancing support will serve as references for most provinces in their next revision of the legislation.

Keywords

Traditional Chinese Medicine Regulations, Inheritance, Protection, Development, Empirical Research

1. Introduction

Traditional Chinese Medicine (TCM) is a treasure of the Chinese nation, carrying

thousands of years of health concepts and practical experiences. It boasts extremely important ideological, cultural, medical, and health values and thus deserves attention and protection. Article 21 of the Constitution of the People's Republic of China stipulates: "The state develops medical and health services, and develops modern medicine and traditional Chinese medicine." The Traditional Chinese Medicine Law of the People's Republic of China stipulates: "This Law is formulated for the purpose of inheriting and carrying forward TCM, protecting people's health, promoting the development of TCM undertakings, and establishing and improving TCM management, service, development, and guarantee systems."

Inheritance is a form of protection and, moreover, the foundation for development; protection is an inevitable requirement for inheritance and development, and development is the purpose of inheritance and protection. Inheritance is the prerequisite, protection is the means, and development is the purpose. This article conducts a comparative analysis of the contents of regulations on the protection of traditional Chinese medicine in 29 provinces (provincial-level cities) in China over the past five years (2019-2024). By adopting a comparative research method, it objectively reveals the commonalities and differences in traditional Chinese medicine legislation across different regions, explores local characteristics and experiences, identifies the shortcomings and problems in local traditional Chinese medicine legislation, and provides references for optimizing local legislation on traditional Chinese medicine in the future.

2. General Characteristics of TCM Legislation in Various Provinces

2.1. Constructing a Three-Dimensional Inheritance System of TCM Talents, Technologies, and Culture

2.1.1. Attaching Importance to the Whole-Chain Regulation of Education, Introduction, Incentives, Evaluation, and Guarantee for TCM Talents

For the inheritance, protection, and development of TCM, inheritance depends on talents, protection relies on talents, dissemination hinges on talents, and development is even more dependent on talents. Provinces across the country generally recognize the importance of talents, which is reflected and emphasized in their legislation. Eighteen provinces, autonomous regions, and municipalities directly under the Central Government, including Heilongjiang Province, Jilin Province, Liaoning Province, Beijing, Fujian Province, Guangdong Province, Jiangsu Province, Shanghai, Tianjin, Zhejiang Province, Anhui Province, Jiangxi Province, Gansu Province, Guangxi Zhuang Autonomous Region, Guizhou Province, Ningxia Hui Autonomous Region, Xinjiang Uygur Autonomous Region, and Yunnan Province, have set up special chapters on talent cultivation. Qinghai Province and Shaanxi Province have chapters on TCM education and scientific research. Five provinces (Chongqing, Hebei Province, Hubei Province, Shanxi Province, Sichuan Province) and the Inner Mongolia Autonomous Region do not

have chapters on talent cultivation, but they also cover talent cultivation in their content. In general, the legislation mainly focuses on establishing systems for TCM talent cultivation and introduction, evaluation and assessment, rewards and incentives, as well as development guarantees.

Building an all-round talent education system is a practical need of the times and regions. In their legislation, 22 provinces, autonomous regions, and municipalities directly under the Central Government have established an education system with institutional education as the mainstay, supplemented by continuing education, apprenticeship education, platform-based education, and integrated Chinese and Western medicine education. The cultivation and education of TCM talents is a systematic project, characterized by strong professionalism, long cycles, and prominent empirical nature. It involves technical skills in fields such as cultivation and breeding of Chinese medicinal materials, processing and preparation, TCM identification, treatment and nursing, health preservation and rehabilitation, health management, and scientific research. Efforts from a single side or a single subject are insufficient to build a TCM talent cultivation system, nor can they meet the regional demand for the scale, level, and diversity of talents. Therefore, joint efforts from multiple subjects, in multiple aspects, and throughout the whole process are essential to effectively break through the predicament of TCM talent cultivation. A talent cultivation system featuring lifelong training, integration of Chinese and Western medicine, and coordination between specialized and general practices should be established. In their legislation, all 22 provinces emphasize the construction of a talent cultivation system characterized by “school + hospital,” “theory + practice,” “tradition + modernity,” “apprenticeship + self-study,” “peacetime + emergency,” and “short-term + lifelong.”

Broaden diversified talent introduction channels and enrich the sources of local TCM talents. Balance independent cultivation and diversified talent introduction. In recent years, talent competition among provinces has risen to the level of regulations. Five provinces—Heilongjiang, Liaoning, Zhejiang, Anhui, and Jiangxi—stipulate in their legislation that provincial human resources and social security departments and pharmaceutical administrative departments should improve talent introduction policies, smooth channels for talent introduction, and strengthen the introduction of high-level talents and urgently needed talents. Nine provinces and autonomous regions—Jilin, Fujian, Guangdong, Hubei, Anhui, Gansu, Guizhou, Ningxia Hui Autonomous Region, and Shanxi—require that governments at or above the county level formulate talent introduction policies and introduction-cultivation plans, and attract and retain talents for grassroots units through methods such as targeted cultivation, targeted training, public recruitment, and service purchasing. Hubei also provides relevant support for grassroots TCM talents in terms of innovation and entrepreneurship, practice and employment, housing and medical care, children’s education, promotion, and rewards, which reflects its emphasis on TCM talents.

Establish a scientific talent evaluation system and promote scientific and rea-

sonable evaluation of TCM talents. TCM is characterized by strong personal dependence, with prominent empiricism, a long time span, and strong practicality. How to establish scientific, reasonable, dynamically comprehensive, and easy-to-operate and promote talent evaluation standards is an important issue considered in local legislation. The talent evaluation system for Western medicine, like Western medicine's pursuit of data and quantification, has strict indicators and parameters. The evaluation of TCM talents can refer to the standardized considerations of Western medicine, but cannot completely copy its standards; otherwise, it would be like cutting the feet to fit the shoes. Eight provinces and autonomous regions—Heilongjiang, Fujian, Jiangsu, Tianjin, Guangxi Zhuang Autonomous Region, Shanxi, Yunnan, and Xinjiang Uygur Autonomous Region—have stipulated in their legislation regarding talent evaluation, exploring the establishment of a TCM evaluation system, conducting regular evaluations, selecting TCM inheritors, and setting up famous TCM expert studios. Sichuan Province has explored the establishment of TCM statistical monitoring systems, performance evaluation systems, and supervision and assessment systems (Zhang, 2018a). Seven provinces and autonomous regions—Heilongjiang, Jiangsu, Ningxia Hui Autonomous Region, Qinghai, Shanxi, Xinjiang Uygur Autonomous Region, and Yunnan—stipulate in their legislation that the situation of teaching apprentices in inheritance education can be used as a relevant basis for performance distribution, professional title evaluation, and selection of outstanding talents (Zhang, 2018b). Fujian Province emphasizes in its legislation that TCM practitioners should mainly provide TCM services, and the content and proportion of services should be included in professional title evaluation. Guangdong and Zhejiang provinces take TCM academic ability, medical ethics, professional competence, and actual work performance as the main evaluation criteria.

Establish a diversified talent incentive system, focusing on multi-dimensional incentives for TCM talents. Eighteen provinces, municipalities, and autonomous regions—Jiangsu, Heilongjiang, Fujian, Guangdong, Jiangsu, Shanghai, Tianjin, Zhejiang, Anhui, Hebei, Henan, Hubei, Jiangxi, Chongqing, Sichuan, Qinghai, Shanxi, and Xinjiang Uygur Autonomous Region—have established organizations for TCM review, evaluation, identification, and certification. These organizations must be dominated by TCM in relevant activities such as the review of TCM-related scientific research project approval, professional title evaluation, medical accident identification, selection of diagnosis and treatment technologies, content review of publications, and review of local standards for medicinal materials (Chen, 2024). Zhejiang explicitly stipulates that TCM experts shall not account for less than 50% of the total experts in the review of relevant projects. Ten provinces, municipalities, and autonomous regions—Liaoning, Jiangsu, Tianjin, Zhejiang, Hebei, Henan, Hunan, Shaanxi, Guangxi Zhuang Autonomous Region, and Qinghai—have specified 5 types of contributions in the field of TCM. They shall reward those who have made remarkable achievements in TCM medical and health care, industrial development, education and scientific research, excavation

of TCM literature and secret prescriptions, inheritance of intangible cultural heritage, service for grassroots medical institutions, and international dissemination and promotion. This approach is worthy of recognition. Six provinces and autonomous regions—Shanxi, Ningxia Hui Autonomous Region, Inner Mongolia Autonomous Region, Guizhou, Yunnan, and Gansu—have mentioned in their regulations that organizations and individuals who have made outstanding contributions to the cause of TCM shall be commended and rewarded in accordance with relevant national and local regulations (Li et al., 2020). Most provinces attach great importance to relevant incentives for TCM talents and provide them with various forms of incentives and support.

Establish a multi-path talent development guarantee system and smooth the career development paths of TCM talents. First, encourage TCM talents to work and gain experience at the grassroots level. Ten provinces and autonomous regions, including Heilongjiang Province, Jilin Province, Fujian Province, Anhui Province, Hunan Province, Sichuan Province, Guizhou Province, Shanxi Province, Yunnan Province, and Inner Mongolia Autonomous Region, have formulated TCM talent policies. They support licensed TCM practitioners and TCM major graduates in engaging in TCM services at grassroots medical and health institutions, and give priority in aspects such as professional title evaluation, rank promotion, further study and training, as well as rewards and assistance (Lin & Li, 2023). Guangxi Zhuang Autonomous Region strengthens the training of grassroots medical personnel in TCM knowledge and skills, and provides preferential treatment for medical and technical personnel engaged in TCM work at grassroots medical and health institutions in terms of salary allowances, professional title promotion, career development, commendations, and rewards (Chen, 2023). Inner Mongolia Autonomous Region provides training for community and rural doctors in basic TCM theories and TCM diagnosis and treatment technologies. Second, integrate the development paths of Chinese and Western medicine. Proven by history and practice, Chinese and Western medicine each have their own strengths and weaknesses. Maintaining an inclusive attitude is the basic stance of the government. Connecting the channels for cultivating talents in both Chinese and Western medicine and fostering more comprehensive medical talents is a need of the times and regions. Twelve provinces, municipalities, and autonomous regions—Jilin Province, Beijing, Fujian Province, Guangdong Province, Jiangsu Province, Shanghai, Tianjin, Anhui Province, Jiangxi Province, Gansu Province, Guizhou Province, and Inner Mongolia Autonomous Region—encourage TCM practitioners to study, research, and apply Western medicine-related sciences and technologies, promote the integration of Chinese and Western medicine, and cultivate high-level talents with expertise in integrated Chinese and Western medicine. Clinically categorized doctors can participate in the evaluation and appointment of integrated Chinese and Western medicine professional titles after training and assessment. Chongqing, Yunnan Province, and Qinghai Province support mutual learning between TCM and Western medicine

practitioners. In practice activities, after training and examinations, TCM practitioners can use Western medicine technologies and methods, and Western medicine practitioners can also use TCM technologies and methods. Qualified Western medicine practitioners can participate in the evaluation and appointment of integrated Chinese and Western medicine professional titles, and professionals in integrated Chinese and Western medicine can participate in the standardized training for clinically categorized general practitioners (Liu & Zhou, 2023). Ningxia Hui Autonomous Region supports Western medicine professionals in learning TCM-related theories, knowledge, and skills, providing TCM services in accordance with relevant national and local regulations, and participating in the evaluation of integrated Chinese and Western medicine professional titles. Sichuan Province and Gansu Province strengthen research on the integration of Chinese and Western medicine, establish a collaborative development mechanism for Chinese and Western medicine, integrate resources of Chinese and Western medicine for coordinated development and collaborative innovation, and promote mutual learning and aligned development between the two.

2.1.2. Attaching Importance to the Full-Process Norms for the Inheritance, Collation, and Excavation of TCM Technologies

Nine provinces, municipalities, and autonomous regions—Heilongjiang Province, Tianjin, Hebei Province, Henan Province, Jiangxi Province, Ningxia Hui Autonomous Region, Qinghai Province, Shanxi Province, and Chongqing—stipulate that people's governments at or above the county level shall excavate the local TCM academic thoughts of all dynasties, collect TCM classic secret prescriptions, proven recipes, and traditional therapies, conduct collation and excavation of traditional pharmaceutical, processing, and preparation techniques, promote the diagnostic and treatment experiences and special skills of famous masters such as national TCM masters, and encourage social forces to donate or invest in TCM literature and characteristic diagnosis and treatment methods with clinical and scientific research value. Liaoning Province, Tianjin, Gansu Province, and Qinghai Province stipulate that governments at or above the municipal level shall grant rewards and commendations to those who have made outstanding contributions to excavating and collating folk diagnosis and treatment technologies and ancient Chinese medicine books.

Attach importance to the inheritance of experiences and technologies of local characteristic TCM schools. Fujian Province has established an inheritance system for TCM experts, strengthened efforts to rescue endangered TCM ancient books and documents, organized the collection, collation, and research of classic famous prescriptions, secret prescriptions, and proven recipes, compiled catalogs of traditional Chinese medicine, ensured the living inheritance of TCM, excavated, collated, and inherited the academic thoughts and diagnostic experiences of local famous TCM practitioners of all dynasties such as Dong Feng, summarized the clinical treatment experiences of national TCM masters and famous TCM doctors, and promoted the construction of studios of famous TCM masters. Jiangsu Prov-

ince stipulates that people's governments at or above the county level should take proactive actions and measures to promote the inheritance, protection, and excavation of TCM schools such as the Wumen School of Medicine and the Shanyang School of Medicine, and give play to the important role of characteristic schools in clinical application, academic research, and talent cultivation. It protects the academic experience and therapies of famous veteran TCM practitioners through means such as intangible cultural heritage projects and geographical indications. Anhui Province stipulates that people's governments at or above the county level should excavate TCM cultural resources and technical experiences such as Huatuo Medicine and Xin'an Medicine. Jiangxi Province stipulates that people's governments at or above the county level should excavate traditional techniques such as Zhangshu Gang and Jianchang Gang.

Four provinces are using modern technologies to inherit and protect traditional Chinese medicine techniques. Jiangsu, Zhejiang, Anhui, and Gansu support the excavation and collation of TCM literature and materials as well as folk characteristic diagnosis and treatment methods, promote the intelligentization and informatization of TCM diagnosis and treatment equipment, and establish digital libraries of ancient TCM books. They require provincial TCM administrative departments to establish TCM traditional knowledge protection databases and comprehensive TCM databases, and promote the digitization and visualization of ancient TCM literature and traditional therapies.

2.1.3. Promoting the Inheritance and Publicity of TCM Culture, and Expand the Influence and Radiating Power of TCM Culture

TCM culture is an important part of Chinese culture. Protecting its cultural resources and intangible cultural heritage helps inherit and carry forward Chinese civilization. China boasts diverse TCM cultures; for example, ethnic medical cultures such as Tibetan medicine, Mongolian medicine, Miao medicine, Dai medicine, and Uyghur medicine have a long history and rich content. Inheriting these resources is conducive to safeguarding cultural diversity and promoting national unity. Local authorities also attach special importance to the inheritance and dissemination of local medical cultures in their legislation. The inheritance and publicity of TCM culture cannot be separated from the standardization of publicity mechanisms and systems, the building of publicity platforms and positions, and the construction of publicity carriers and methods. Provinces regulate these three aspects through legislation, which has strong practical significance and value.

Establish and improve TCM publicity work mechanisms, and strengthen the publicity of TCM culture. Sichuan Province, Chongqing, and Guangxi Zhuang Autonomous Region stipulate in their TCM regulations that local people's governments at or above the county level shall establish and improve TCM publicity work mechanisms (Liu, 2019). Jiangxi Province, Guangxi Zhuang Autonomous Region, Xinjiang Uygur Autonomous Region, and Inner Mongolia Autonomous Region incorporate the development of TCM culture into cultural development plans, strengthen the publicity of TCM culture, popularize TCM culture, and

standardize the dissemination and popularization of knowledge on TCM for disease prevention and treatment (Lin & Zhao, 2023). Sixteen provinces, municipalities, and autonomous regions—Liaoning Province, Beijing, Guangdong Province, Jiangsu Province, Shanghai, Tianjin, Zhejiang Province, Anhui Province, Henan Province, Hubei Province, Hunan Province, Chongqing, Xinjiang Uygur Autonomous Region, Inner Mongolia Autonomous Region, Guizhou Province, and Guangxi Zhuang Autonomous Region—incorporate basic knowledge of TCM into health education courses in primary and secondary schools and the scope of public health knowledge publicity, and encourage the offering of characteristic school-based TCM courses. Eight provinces and municipalities—Heilongjiang Province, Fujian Province, Sichuan Province, Chongqing, Guangxi Zhuang Autonomous Region, Gansu Province, Yunnan Province, and Guizhou Province—designate “World Traditional Medicine Day” as the local TCM culture publicity day. Establishing a TCM culture publicity day at the legal level provides a legal basis for various local platforms to carry out TCM culture publicity.

Build TCM-characteristic platforms and venues, and create diverse TCM cultural popular science and publicity bases. Seventeen provinces, municipalities, and autonomous regions—Liaoning Province, Fujian Province, Guangdong Province, Jiangsu Province, Tianjin, Zhejiang Province, Anhui Province, Henan Province, Hubei Province, Jiangxi Province, Xinjiang Uygur Autonomous Region, Inner Mongolia Autonomous Region, Shaanxi Province, Shanxi Province, Yunnan Province, Guangxi Zhuang Autonomous Region, and Guizhou Province—support the construction of TCM-characteristic exhibition venues such as museums, exhibition halls, science popularization halls, medicinal zoological and botanical gardens, inheritance workshops, and intangible cultural heritage workshops, and build diversified TCM cultural publicity and education bases as well as popular science bases. They promote the integration of TCM culture into schools, communities, and villages. Shanghai, Guizhou Province, and Xinjiang Uygur Autonomous Region encourage organizations and individuals to research and develop TCM-characteristic cultural and creative products, and create TCM cultural popular science works with local characteristics. Yunnan Province strengthens the protection and utilization of TCM cultural relics, historic sites, stories of famous medical figures, and other valuable TCM cultural resources, and supports eligible TCM projects and individuals in applying for programs and recognition as representative inheritors.

Innovate TCM publicity carriers and methods, and create diverse forms of TCM cultural works. Nine provinces and municipalities—Liaoning Province, Beijing, Fujian Province, Shanghai, Hebei Province, Henan Province, Jiangxi Province, Gansu Province, and Guizhou Province—encourage the creation of cultural products such as TCM popular science works and medical films and television works, and stipulate that media such as radio and the Internet shall carry out publicity of TCM knowledge and promotion of TCM culture. Gansu Province, Qinghai Province, Hunan Province, and Guangxi Zhuang Autonomous Region sup-

port TCM institutions of higher education, medical institutions, and enterprises in jointly establishing joint laboratories and research platforms with corresponding institutions in ASEAN countries and other countries, carry out cooperation in the cultivation and breeding of Chinese medicinal materials, technology development, etc., and develop international TCM education.

2.2. Comprehensively Strengthen the Protection of TCM Cultural Resources and Intangible Cultural Heritage

2.2.1. To Build up Physical Fitness, Strengthen the Protection and Utilization of TCM Cultural Resources

TCM cultural resources, with profound historical heritage and outstanding cultural value, are important carriers of TCM culture and possess significant ideological, medical, and textual value. Seven provinces, municipalities, and autonomous regions—Jiangsu Province, Zhejiang Province, Yunnan Province, Chongqing, Gansu Province, Qinghai Province, and Inner Mongolia Autonomous Region—conduct in-depth collection, collation, excavation, and research of TCM historical and cultural resources. For those on the verge of extinction, measures such as compensated acquisition are adopted for rescue and protection. They strengthen the protection, renovation, and research on rational utilization of TCM cultural relics, ancient buildings, famous structures, and other valuable cultural resources, prevent over-development, and support social forces and social organizations in establishing TCM museums, cultural centers, exhibition halls, and other venues in accordance with laws and regulations (Qian et al., 2024). Support is provided for the rescue of TCM classic famous prescriptions, ancient books and documents, and characteristic TCM diagnosis and treatment methods and technologies. Efforts are made to enhance the publication and digitization of ancient documents, focus on digital and video recording, and establish a comprehensive TCM database. Hunan Province requires governments at all levels to strengthen the protection of TCM cultural relics and historic sites such as Yan Di Mausoleum, Zhongjing Stele, and Yaowang Hall.

2.2.2. Uniting Hearts and Forge Souls to Strengthen the Inheritance and Protection of TCM Intangible Cultural Heritage

Against the backdrop of intangible cultural heritage gaining increasing importance worldwide, China has also attached growing importance to TCM intangible cultural heritage. Currently, the total number of national-level intangible cultural heritage items is 3,610, among which 182 are traditional medicine items, with problems such as a small quantity, unreasonable classification, and chaotic management and categorization. Seventeen provinces, municipalities, and autonomous regions—Heilongjiang Province, Liaoning Province, Fujian Province, Guangdong Province, Jiangsu Province, Shanghai, Zhejiang Province, Anhui Province, Hebei Province, Henan Province, Sichuan Province, Yunnan Province, Shanxi Province, Ningxia Hui Autonomous Region, Qinghai Province, Shaanxi Province, and Xinjiang Uygur Autonomous Region—encourage TCM projects

with traditional characteristics to apply for intangible cultural heritage status and identify representative inheritors, providing necessary and favorable conditions for the inheritors. Xinjiang Uygur Autonomous Region clearly stipulates that cultural administrative departments and tourism administrative departments shall collaborate with TCM administrative departments to properly carry out the recommendation, application, and selection of representative intangible cultural heritage items of Uyghur medicine, Kazak medicine, and Mongolian medicine, and promote the protection, preservation, and inheritance of TCM-related intangible cultural heritage. Shanxi Province strengthens the protection of TCM cultural heritage, which is reflected in supporting the application for time-honored TCM brands, well-known trademarks, and geographical indications, with a focus on protecting and supporting TCM items included in intangible cultural heritage and effective folk diagnosis and treatment technologies. Guangdong Province protects Lingnan TCM intangible cultural heritage and encourages applications for TCM intangible cultural heritage and lists such as the Memory of the World.

The above-mentioned provinces have established and improved laws and regulations for protecting TCM cultural heritage, clarified the scope of protection, responsible entities, and specific measures. Through means such as written records, videos, digitization, intangible cultural heritage items, and intangible cultural heritage inheritors, they systematically record and collate traditional TCM knowledge, techniques, and documents, establish databases, and strengthen the protection of TCM culture and intangible cultural heritage.

2.3. Vigorously Promote the Innovative Development, Industrial Development, and Open Development of TCM

The development of TCM is based on technology, centered on industry, and strengthened through opening up. TCM technology involves many aspects such as cultivation, processing, preparation, formulation, diagnosis and treatment, and rehabilitation, featuring systematicness, complexity, and diversity. For this reason, developing TCM-related technologies has become a key focus of local legislation. TCM technology is the foundation for industrial development, and industrial development helps drive technological progress. The TCM industry covers production, circulation, processing, supervision, and other aspects, with characteristics of scale and extensiveness. Strengthening the deepening, expansion, and integration of the TCM industrial chain, and expanding the international influence and radiating power of TCM have been valued by some provinces from a higher perspective and broader vision.

2.3.1. Promoting the Innovative Development of TCM Technology and Enhance the Level of TCM Modernization

Develop green cultivation technologies and promote the sustainable development of TCM. The development of TCM is based on Chinese medicinal materials, and the development of Chinese medicinal materials is rooted in cultivation. Nineteen provinces, municipalities, and autonomous regions—Heilongjiang Province, Jilin

Province, Liaoning Province, Fujian Province, Jiangsu Province, Tianjin, Anhui Province, Hebei Province, Henan Province, Hubei Province, Hunan Province, Gansu Province, Guangxi Zhuang Autonomous Region, Guizhou Province, Qinghai Province, Shaanxi Province, Xinjiang Uygur Autonomous Region, Yunnan Province, and Chongqing—encourage the cultivation of medicinal materials in accordance with the standards for green food and organic agricultural products, promote ecological, standardized, normalized, industrialized, and intensive cultivation, breeding, harvesting, and processing, and encourage growers to apply for green labels and geographical indications to ensure the quality of Chinese medicinal materials.

Establish a quality supervision system for Chinese medicinal materials to realize traceable management of production and circulation. Twenty-two provinces, municipalities, and autonomous regions—Heilongjiang Province, Jilin Province, Liaoning Province, Beijing, Fujian Province, Guangdong Province, Jiangsu Province, Shanghai, Zhejiang Province, Anhui Province, Hebei Province, Hubei Province, Hunan Province, Jiangxi Province, Gansu Province, Guangxi Zhuang Autonomous Region, Guizhou Province, Ningxia Hui Autonomous Region, Qinghai Province, Shanxi Province, Shaanxi Province, Xinjiang Uygur Autonomous Region, and Yunnan Province—have established modern information technology monitoring platforms such as big data and the Internet of Things to coordinate and advance the whole-process management of harvesting, production, processing, packaging, circulation, and sales of Chinese medicinal materials. They strengthen the construction of professional markets, build online trading platforms and Chinese medicinal materials distribution centers, establish seed resource databases, Chinese medicinal materials warehousing and logistics systems, and third-party quality inspection technology platforms to ensure the quality and safety of Chinese medicinal materials. Anhui Province supports the establishment of an international Chinese medicinal materials trading center.

Promote the construction of TCM R&D management platforms and support technological innovation in production and operation enterprises. Thirteen provinces, municipalities, and autonomous regions—Heilongjiang Province, Jiangsu Province, Shanghai, Tianjin, Hebei Province, Henan Province, Jiangxi Province, Guangxi Zhuang Autonomous Region, Guizhou Province, Ningxia Hui Autonomous Region, Qinghai Province, Shaanxi Province, and Xinjiang Uygur Autonomous Region—encourage pharmaceutical production and R&D enterprises to cooperate with research institutions and universities, support the construction of key laboratories and TCM technology innovation centers, improve the construction of TCM science and technology management platforms, key research laboratories, and clinical bases, promote the development of “Internet +” TCM health service platforms and TCM information public service platforms, support enterprises in the production and R&D of high-end, technologically advanced, and differentiated proprietary Chinese medicines and Chinese medicine compound preparations, carry out secondary development of proprietary Chinese medicines,

and cultivate major and high-end brands. They support the upgrading of TCM diagnosis and treatment instruments and process innovation to enhance the standardization, intelligence, and modernization of TCM production and manufacturing.

Improve the TCM science and technology management system to promote collaborative innovation and achievement transformation. Twelve provinces and municipalities—Jilin Province, Liaoning Province, Beijing, Fujian Province, Guangdong Province, Jiangsu Province, Shanghai, Zhejiang Province, Anhui Province, Henan Province, Hebei Province, and Yunnan Province—incorporate TCM scientific research into local science and technology development plans, strengthen policy support, increase support for the approval, evaluation, and achievement rewards of TCM research projects, support collaborative innovation among hospitals, universities, research institutions, and TCM production enterprises, improve the industry-university-research integration model, jointly build research bases to carry out clinical research on major refractory diseases and new and emerging diseases in TCM, encourage interdisciplinary integration and collaborative innovation, and improve the system for transforming TCM scientific and technological achievements and promoting the transformation of scientific and technological achievements.

2.3.2. Extending and Expanding the TCM Industry Chain, and Promoting Its Industrial Clustering and in-Depth Development

Deepen and integrate the TCM industry chain covering cultivation, processing, R&D, and sales. The single Chinese medicinal material cultivation and extensive development model have been gradually eliminated by the times. Deepening the TCM industry chain, strengthening TCM R&D, improving the added value of TCM, and expanding the TCM market have been incorporated into the scope of legislation by 8 provinces and municipalities: Guangdong Province, Tianjin, Hebei Province, Hubei Province, Gansu Province, Guizhou Province, Yunnan Province, and Shanxi Province. Gansu Province encourages enterprises, research institutions, and other entities to carry out intensive processing of Chinese medicinal materials using modern science and technology to extend the industrial chain. It also encourages the R&D and promotion of genuine medicinal material products such as TCM health products, and supports entities like enterprises and research institutions in developing new products such as TCM characteristic diagnosis and treatment equipment, TCM veterinary drugs, and TCM fitness equipment. Shanxi Province promotes the scaling, industrialization, and standardization of genuine Chinese medicinal material cultivation and breeding; advances the construction of standardized Chinese medicinal material bases; and establishes Chinese medicinal material standard parks.

Forge a development direction of integrated TCM development featuring large industries and large clusters. Fourteen provinces, municipalities, and autonomous regions—Heilongjiang Province, Liaoning Province, Fujian Province, Guangdong Province, Shanghai, Tianjin, Zhejiang Province, Hebei Province, Xinjiang Uygur

Autonomous Region, Gansu Province, Guangxi Zhuang Autonomous Region, Shanxi Province, Qinghai Province, and Guizhou Province—support the integrated development of TCM with the health industry, tourism and cultural industry, and elderly care and leisure industry, and develop tourist attractions, routes, and characteristic bases with local TCM features. Gansu Province coordinates industry planning, builds famous and high-quality Longyao (Gansu medicinal materials) brands, synergistically advances the whole-industry-chain development of TCM, cultivates leading TCM enterprises and builds TCM industrial clusters, promotes the agglomeration development of the TCM industry, continuously advances the construction of the provincial National Comprehensive Pilot Zone for TCM Industry Development, and enhances comprehensive strength and core competitiveness. Guizhou Province coordinates and promotes the high-quality development of the TCM industry, builds a modern TCM industrial system, and strengthens the integrated development of the TCM industry. The province's TCM regulations stipulate that people's governments at or above the county level shall formulate TCM industry development plans and support policies, introduce high-quality resources such as advantageous varieties, high-end talents, and leading enterprises, build TCM industrial development clusters, and promote the whole-industry-chain development of TCM. Guangxi Zhuang Autonomous Region builds TCM health tourism demonstration bases. Qinghai Province focuses on developing TCM health elderly care services, constructs TCM-characteristic elderly care and medical integration bases integrating medical treatment, nursing, and rehabilitation, and builds health towns or parks featuring leisure and health preservation, health food, ecological recuperation, and TCM health care.

2.3.3. Promoting the Open Development of TCM and Expanding Its International Influence and Radiating Power

Thirteen provinces, municipalities, and autonomous regions—Heilongjiang Province, Beijing, Fujian Province, Guangdong Province, Jiangsu Province, Tianjin, Anhui Province, Hubei Province, Jiangxi Province, Gansu Province, Ningxia Hui Autonomous Region, Shanxi Province, Shaanxi Province, Xinjiang Uygur Autonomous Region, Guizhou Province, and Qinghai Province—promote international cooperation and exchanges in TCM. They encourage the establishment of overseas TCM centers, international cooperation bases, and service export bases to expand the influence of TCM. They also encourage TCM colleges and universities to admit international students and develop international TCM education. They encourage the integration of foreign aid medical programs with TCM health services, strengthen efforts to publicize local TCM at various international expositions, exhibitions, and forums, publicize TCM culture, promote appropriate TCM technologies, and introduce TCM products. Guangxi Zhuang Autonomous Region has taken measures to promote the integration of TCM into the construction of the China (Guangxi) Pilot Free Trade Zone and the Fangchenggang International Medical Open Pilot Zone. Xinjiang Uygur Autonomous Region promotes the active integration of TCM development into the construction of the China

(Xinjiang) Pilot Free Trade Zone. Shaanxi Province, Jiangxi Province, and Fujian Province support local TCM institutions and colleges in carrying out TCM cooperation and exchanges with relevant institutions in countries along the Belt and Road and other regions, and develop TCM service trade. Guangdong Province promotes scientific and technological innovation cooperation among TCM enterprises in the Guangdong-Hong Kong-Macau Greater Bay Area, establishes a collaborative mechanism for talent cultivation, jointly develops internationally recognized TCM standards, and advances the internationalization of TCM. Fujian Province supports TCM cooperation and exchanges between Fujian and Taiwan Region, promotes the connection of TCM industrial chains between the two regions, and facilitates exchange visits and integration between colleges, universities, and TCM education and research institutions from both sides. Taiwan Region compatriots who study Chinese medicine in Fujian through apprenticeship and meet the requirements can apply for practice.

3. Existing Deficiencies in Local Legislation on TCM

3.1. Intellectual Property Protection Is Relatively Weak

The protection of intellectual property rights (IPR) in TCM holds significant cultural, economic, and industrial value. Through multiple roles—such as protecting traditional knowledge, promoting innovative development, enhancing industrial competitiveness, safeguarding the rights and interests of ethnic medicine, and advancing international development—TCM IPR protection provides a solid foundation for the inheritance, preservation, and sustainable development of TCM. It also makes important contributions to the cause of people's health and economic and social development in various regions. From the perspective of TCM modernization, industrialization, and internationalization, it is imperative to strengthen the protection of TCM IPR. However, China's protection of TCM IPR still faces issues such as insufficient awareness.

Provincial legislations do not attach sufficient importance to TCM IPR. This is mainly reflected in the fact that Guizhou Province, Xinjiang Uygur Autonomous Region, and Gansu Province do not mention TCM IPR protection at all in their legislations. Nine provinces and municipalities—Heilongjiang Province, Liaoning Province, Beijing Municipality, Fujian Province, Zhejiang Province, Guangxi Zhuang Autonomous Region, Shanxi Province, Shaanxi Province, and Sichuan Province—only stipulate that people's governments at or above the county level shall provide assistance to social entities in applying for patents, registering trademarks, registering copyrights, and registering new TCM varieties. Shanxi Province only encourages the development of patented TCM products, the registration of trademarks, and the copyright registration of relevant TCM works. Sichuan Province and Chongqing Municipality only mention supporting TCM medical institutions and practitioners in strengthening the protection of IPR—such as patents, trademarks, geographical indications, and new plant variety rights—for TCM innovative achievements, classic famous prescriptions, and folk prescrip-

tions. Yunnan Province stipulates that departments such as health and health, and market supervision under people's governments at or above the county level shall investigate and deal with illegal acts such as infringement of TCM IPR in accordance with the law, so as to strengthen TCM IPR protection.

From this, it can be seen that provincial legislation lacks specialized protection mechanisms targeting TCM IPR. This is mainly manifested in the absence of institutional protection for elements within the TCM knowledge system, such as TCM compound prescriptions, diagnostic and treatment technologies, and therapeutic techniques; the lack of systems for protecting authentic medicinal materials and new varieties of Chinese herbal medicines; and the deficiency of systems for the protective inheritance and development of traditional TCM knowledge. The protection of IPR for traditional knowledge, technologies, and resources has not been fully reflected. The protection of IPR for ethnic medicines such as Tibetan medicine, Mongolian medicine, and Miao medicine is insufficient. The brand value of authentic medicinal materials and ethnic medicines in various regions has not been fully tapped, with inadequate protection of trademarks and geographical indications. Moreover, the law enforcement and rights protection mechanisms for TCM IPR are unsound, making it difficult to effectively curb infringing acts.

3.2. Industrial Development Regulations Are Overly Simplistic and Vague

Among the provinces that have issued TCM regulations, 15 provinces and municipalities—Jilin Province, Beijing Municipality, Jiangsu Province, Shanghai Municipality, Anhui Province, Hubei Province, Hunan Province, Guizhou Province, Inner Mongolia Autonomous Region, Ningxia Hui Autonomous Region, Qinghai Province, Shaanxi Province, Sichuan Province, Yunnan Province, and Chongqing Municipality—have not established a chapter on the TCM industry.

Twenty-two provinces have placed it in the chapter on the protection and development of traditional Chinese medicine, and the provisions in these provinces are overly simplistic, lacking specific implementation rules. Ten provinces and municipalities—Heilongjiang Province, Liaoning Province, Beijing Municipality, Fujian Province, Guangdong Province, Tianjin Municipality, Zhejiang Province, Hebei Province, and Gansu Province—encourage the integration of TCM with industries such as cultural tourism, sports and leisure, and elderly care and health preservation. However, policies regarding funding support, tax incentives, and technology promotion have not been detailed, making it difficult for enterprises to fully benefit. The TCM industry chain is incomplete, with insufficient collaboration between upstream and downstream enterprises; the clustering degree of the TCM industry is relatively low, and development is unbalanced among regions. Enterprises are scattered, failing to form competitive industrial clusters, which makes it difficult to exert scale effects. Legislation only takes an encouraging stance, but how the TCM industry should integrate with other major industries

and which government departments should take the lead in coordination are not reflected in the legislation.

3.3. Supporting Measures and the Intensity of the Guarantee Are Insufficient

Eighteen provinces have stipulated safeguard measures to varying degrees in their TCM legislation, but these measures are characterized by fragmentation and simplification, covering only one, two, or three aspects, and lack comprehensiveness and systematicness. Liaoning Province makes no mention of funds or policies in its safeguard measures. Jilin Province and Ningxia Hui Autonomous Region only incorporate the work of developing TCM into the performance assessment of government departments. Beijing Municipality and Inner Mongolia Autonomous Region have no chapter on safeguard measures and make no mention of them whatsoever in their TCM regulations. Fujian Province, Hunan Province, and Ningxia Hui Autonomous Region only establish a joint conference system for TCM development work, with no mention of funds, policies, or other related aspects whatsoever.

4. Research, Judgment, and Reference of Local Traditional Chinese Medicine Legislation

4.1. Strengthen the Protection of Intellectual Property Rights in Traditional Chinese Medicine

At the economic level, establish specialized R&D funds to support the protection of intellectual property rights related to local characteristic TCM scientific research achievements, unique diagnosis and treatment technologies, and techniques. Support scientific and technological innovation in ethnic characteristic TCM, increase support for scientific and technological projects of ethnic characteristic TCM, accelerate the construction of scientific research and innovation platforms for ethnic characteristic TCM, promote the output, transformation, and application of scientific achievements in ethnic characteristic TCM, and encourage such scientific and technological achievements to participate in the evaluation of science and technology awards. Encourage all types of civil subjects to transfer, invest as shares, and develop, in accordance with the law, the TCM classic prescriptions, secret prescriptions, proven prescriptions, diagnosis and treatment technologies, processing techniques, and scientific research achievements they hold. Establish specialized intellectual property evaluation institutions and evaluation methods, improve the evaluation mechanism for achievement transformation, straighten out the logic of innovation systems, and promote the transformation and application of TCM scientific and technological achievements. Enhance the financing capacity of ethnic characteristic medicine technologies and the ability to transform technologies into economic benefits, so as to inject capital into the development of local TCM undertakings.

Strengthen guidance and assistance to various organizations, and carry out ac-

celerated patent examination in accordance with the law, relying on local intellectual property centers. Assist relevant organizations or individuals in applying for intellectual property rights such as TCM patents, geographical indication products, and new plant varieties, and provide subsidies for patent applications. Support local TCM enterprises in developing new TCM drugs with independent intellectual property rights, and support them in using modern technologies and techniques to conduct secondary development of traditional Chinese patent medicines. Accelerate the process of patent protection for innovative technologies and promote the high-quality development of innovation entities.

Strengthen the construction of TCM law enforcement and supervision teams, increase efforts in cultivating “TCM + law” talents, train interdisciplinary talents who understand both law and TCM, and standardize the management of TCM practitioners. Market supervision departments and TCM authorities shall, in accordance with the law, investigate and deal with illegal acts such as abuse of the name of TCM and infringement of TCM intellectual property rights, so as to strengthen the protection of TCM intellectual property rights.

4.2. Refining the Legislative Protection Clauses for the TCM Industry

Learn from the legislative experience of seven provinces and municipalities, including Zhejiang, Tianjin, Shandong, and Guangdong, and refine the industrial clauses. Zhejiang, in its Regulations on the Protection of Traditional Chinese Medicine, stipulates the establishment of government industrial funds specifically to support the development of the TCM industry, encourages social capital to set up TCM industry investment funds, and promotes financing guarantee institutions such as banks, insurance companies, and credit institutions to provide guarantee services for TCM enterprises. Tianjin, in its Regulations on the Protection of Traditional Chinese Medicine, stipulates the protection and development of time-honored traditional Chinese medicine brands, the cultivation of well-known TCM enterprises and brands, and the promotion of the development of the entire industrial chain. It supports TCM manufacturers in upgrading equipment, integrating technologies, and innovating techniques, and promotes the standardization, modernization, and intelligentization of TCM production processes. Guangdong supports the breeding of local characteristic Chinese medicinal material varieties and the protection of their producing areas, and fosters the construction of industrial demonstration bases. It supports TCM manufacturers in carrying out large-scale, standardized, and industrialized cultivation and breeding, backs the construction of characteristic industrial parks, and advances the standardization, intelligentization, and modernization of TCM production processes.

Guangdong, in its Regulations on Traditional Chinese Medicine, stipulates the establishment of a TCM standardization working mechanism, improves the industrial chain for the cultivation, breeding, collection, processing, storage, and transportation of Lingnan Chinese medicinal materials, and promotes the standardization and modernization of the dispensing of Chinese herbal pieces in med-

ical institutions. Shandong, in its Regulations on the Protection of Traditional Chinese Medicine, stipulates the strengthening of the construction of Chinese medicinal material breeding bases, cultivation/breeding bases, and processing bases, and promotes the standardization, intensification, and large-scale development of Chinese medicinal material cultivation and processing. In conjunction with the establishment of the National Comprehensive Reform Demonstration Zone for Traditional Chinese Medicine, it standardizes the construction of cultivation/breeding bases, promotes the research and development of new TCM drugs, and improves market system construction. It supports the research, development, and market promotion of new products such as dietary herbal food, cosmetic and health products made from Chinese medicinal materials. It cultivates business entities, promotes connections between agriculture and enterprises, guides shareholding co-operation, and enhances the industrialization level of Chinese medicinal material cultivation and breeding.

Looking at the legislation of TCM protection regulations in eastern regions, they obviously have stronger operability and practicality. Zhejiang focuses on setting up industrial funds, Tianjin emphasizes brand protection, and Shandong, relying on the National Comprehensive Reform Demonstration Zone for Traditional Chinese Medicine, strengthens cultivation/breeding, new drug research and development, and market construction. Compared with the western regions, which remain stuck in impractical practices of merely encouraging large-scale industries and large-scale integration, these experiences are more worthy of learning and reference.

4.3. Improving Safeguard Measures and Enhancing Their Intensity

Incorporate the development of TCM undertakings into the local fiscal budget, strive for a separate budget, gradually increase funding input, and smooth out sustainable, stable, and diversified funding sources. The government shall establish and guide TCM development funds, encourage social capital to enter and operate such funds, and improve the safety and efficiency of fund utilization. Ensure that the proportion of fiscal expenditure on TCM undertakings is higher than that on healthcare undertakings in the same period. Encourage credit companies and insurance companies to provide TCM-related credit and insurance services and products.

Establish and improve the administrative management system, service system, and safeguard system for TCM, clarify the division of labor and responsibilities of various departments, and establish TCM performance evaluation systems, statistical monitoring systems, and supervision and assessment systems. Promote relevant departments to take proactive and positive actions through strong measures, and urge them to fulfill their responsibilities in developing TCM undertakings.

Market Supervision and Administration Departments and Drug Administration Departments shall strengthen joint law enforcement, advance the construction of standardization systems, credit systems, and implementation mechanisms

for the TCM industry, and lawfully implement reward mechanisms for trustworthy behavior and punishment mechanisms for untrustworthy behavior.

Science and Technology Administration Departments and competent authorities for TCM shall coordinate the establishment of a TCM scientific research management system, incorporate the development of TCM undertakings into science and technology plans, and provide special support for TCM research projects and achievement transformation. For evaluation and appraisal activities related to TCM, there shall be a quantitative requirement that TCM experts constitute the majority, accounting for no less than half. Improve the systems for professional title evaluation and appointment, and commendation and reward; increase efforts to commend and reward experts and scholars who have made contributions to TCM medical care, education, scientific research, and dissemination.

Although there is a gap between the modern intellectual property system and the intellectual property rights of traditional Chinese medicine, it can be bridged through measures in modern systems, management, and talent, among other aspects. The development of traditional Chinese medicine involves administrative departments such as industry, intellectual property, agriculture, and forestry, as well as judicial departments like courts and procuratorates. Coordination and overall planning among these departments are difficult, but at the provincial level, such issues can be resolved through measures such as unified legislation, upgraded unified management, and unified law enforcement.

5. Conclusion

Traditional Chinese medicine (TCM) possesses integrated and diverse attributes, encompassing economic, scientific, cultural, and ecological dimensions. The particularity of the development of TCM legal governance determines that it inevitably has multi-dimensional intersections with other industries. From the perspective of integrating inheritance, protection, and development, integrating institutional resources in areas such as TCM talents, TCM culture, TCM industry, and TCM legal governance, and promoting the development of local TCM undertakings in an integrated manner constitutes the optimal approach for local legislation.

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Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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