

Purpose of the Amendment

- The Act aims to strengthen countermeasures against novel coronavirus infectious diseases through the following: 1) establishment of new measures entitled “Area-Focused Intensive Measures for Prevention of the Spread of Infection”, which enables the government to take a more targeted and phased approach, and governors to request/order business owners to change their business hours, etc., 2) the government’s responsibility to efficiently support affected business owners and local governments, etc., 3) classifying novel coronavirus infectious diseases as “novel influenza infectious diseases, etc.” under the Infectious Disease Act, therefore allowing necessary measures against other potentially harmful novel coronaviruses to be taken without delay, 4) establishment of legal grounds for making requests for home-based and accommodation-based recovery.

Details of Amendment

1. Partial Amendment of the Act on Special Measures against Novel Influenza, etc.

- ① Establishes new measures entitled “Area-Focused Intensive Measures for Prevention of the Spread of Infection”, which enables the government to take a more targeted and phased approach in specific areas to prevent a nation-wide spread that may have a significant impact on the lives of the citizenry and the national economy. The measures enable governors to request/order business owners to change their business hours, etc., and fines of up to 200,000 yen can be applied in cases of violation.
- ② Allows governors to set up “Temporary Medical Facilities” after the Government Countermeasures Headquarters is established, whereas this was previously only allowed during the state of emergency. Temporary medical facilities are exempted from certain medical/building regulations.
- ③ Strengthens “Measures under the State of Emergency” by entitling governors with the authority to order business owners, not limited to requesting as before, to suspend the use of their facilities, etc. Fine of up to 300,000 yen is applied in case of violation.
- ④ Obligates the government to provide businesses and local governments with necessary support in financial and other aspects.
 - The national and local governments shall take financial measures necessary to support businesses, as well as medical institutions and medical personnel.
 - The national government shall take financial measures necessary to support the local governments to execute relevant policies.
- ⑤ Defines the responsibility of the national and local governments to prevent discrimination against patients, medical staff, etc.
- ⑥ Provides statutory status for the Council for the Promotion of Countermeasures against Novel Influenza, etc. placed under the Cabinet.

2. Partial Amendment to the Act on the Prevention of Infectious Diseases and Medical Care for Patients with Infectious Diseases, and the Quarantine Act

- ① Classifies COVID-19 as a “novel influenza infectious disease”, making it possible to take specified measures against it.
- ② Provides for the sharing of information between national and local governments.
 - Makes it mandatory for city/wards with healthcare facilities to report outbreaks to the relevant prefectural governor, and the results of active epidemiological investigations to relevant local governments, as well as provide stipulations on the use of electronic or magnetic means of communication.
- ③ Establishes the legal status of accommodation-based and home-based recovery
 - The amendment establishes new provisions for requesting cooperation in accommodation-based and home-based recovery will be established for infectious diseases such as COVID-19 and new infectious diseases specified by the Minister of Health, Labor and Welfare. In addition, the Quarantine Act also establishes requests for cooperation necessary for accommodation-based recovery, home-based self-quarantine, and ways of preventing the spread of infection.
- ④ Reviews recommendations and measures for hospitalization.
 - Clarifies that recommendations and measures for hospitalization will be limited to those for infectious diseases such as COVID-19 and new infectious diseases specified by the Minister of Health, Labor and Welfare.
 - Establishes a fine of up to 500,000 yen for those who refuse to be hospitalized without a justifiable reason, or run away from hospital.
- ⑤ Establishes that in order to ensure the effectiveness of active epidemiological investigations, if patients with infectious diseases such as COVID-19 do not cooperate without a justifiable reason, they can be ordered to do so, and subjected to a fine of up to 300,000 yen or less if they still refuse to cooperate, lie in any answer, refuse to give answers, or hinder or evade the investigation without a justifiable reason for doing so.
- ⑥ Establishes that in the event of an emergency, medical personnel (including medical institutions) and inspection agencies are requested to cooperate, and if they do not respond without a justifiable reason, this can be made public and recommendations can be made.

Effective Date

February 13th, 2021 (April 1st, 2021 for 1⑥)

新型インフルエンザ等対策特別措置法等の一部を改正する法律の概要

(令和3年法律第5号)

改正の趣旨

- 現下の新型コロナウイルス感染症に係る対策の推進を図るため、「まん延防止等重点措置」を創設し、営業時間の変更の要請、要請に応じない場合の命令等を規定し、併せて事業者及び地方公共団体等に対する支援を規定するとともに、新型コロナウイルス感染症を感染症法において新型インフルエンザ等感染症と位置付け、所要の措置を講ずることができることとし、併せて宿泊療養及び自宅療養の要請について法律上の根拠を設ける等の措置を講ずる。

改正の概要

1. 新型インフルエンザ等対策特別措置法の一部改正

- ① 特定の地域において、国民生活及び国民経済に甚大な影響を及ぼすおそれがあるまん延を防止するため、「まん延防止等重点措置」を創設し、営業時間の変更等の要請、要請に応じない場合の命令、命令に違反した場合の過料(20万円以下)を規定する。
- ② 緊急事態宣言中に開設できることとされている「臨時の医療施設」について、政府対策本部が設置された段階から開設できることとする。
- ③ 緊急事態宣言中の施設の使用制限等の要請に応じない場合の命令、命令に違反した場合(30万円以下)の過料を規定する。
- ④ 事業者及び地方公共団体に対する支援
 - 国及び地方公共団体は、事業者に対する支援に必要な財政上の措置、医療機関及び医療関係者に対する支援等を講ずるものとする。
 - 国は、地方公共団体の施策を支援するために必要な財政上の措置を講ずるものとする。
- ⑤ 差別の防止に係る国及び地方公共団体の責務規定を設ける。
- ⑥ 新型インフルエンザ等対策推進会議を内閣に置くこととする。

2. 感染症の予防及び感染症の患者に対する医療に関する法律及び検疫法の一改正

- ① 新型コロナウイルス感染症を「新型インフルエンザ等感染症」として位置付け、同感染症に係る措置を講ずることができることとする。
- ② 国や地方自治体間の情報連携
 - 保健所設置市・区から都道府県知事への発生届の報告・積極的疫学調査結果の関係自治体への通報を義務化し、電磁的方法の活用を規定する。
- ③ 宿泊療養・自宅療養の法的位置付け
 - 新型インフルエンザ等感染症・新感染症のうち厚生労働大臣が定めるものについて、宿泊療養・自宅療養の協力要請規定を新設する。また、検疫法上も、宿泊療養・自宅待機その他の感染防止に必要な協力要請を規定することとする。
- ④ 入院勧告・措置の見直し
 - 新型インフルエンザ等感染症・新感染症のうち厚生労働大臣が定めるものについて、入院勧告・措置の対象を限定することを明示する。
 - 正当な理由がなく入院措置に応じない場合又は入院先から逃げた場合の過料(50万円以下)を規定する。
- ⑤ 積極的疫学調査の実効性確保のため、新型インフルエンザ等感染症の患者等が積極的疫学調査に対して正当な理由がなく協力しない場合、応ずべきことを命令できることとし、命令を受けた者が質問に対して正当な理由がなく答弁をせず、若しくは虚偽の答弁をし、又は正当な理由がなく調査を拒み、妨げ若しくは忌避した場合の過料(30万円以下)を規定する。
- ⑥ 緊急時、医療関係者(医療機関を含む。)・検査機関に協力を求められ、正当な理由なく応じなかったときは勧告、公表できることを規定する。 等

施行期日

公布の日(令和3年2月3日)から起算して10日を経過した日(同月13日)(ただし、1⑥は同年4月1日)