

# Act on Special Measures Against Novel Influenza

(Act No. 31 of May 11, 2012)

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## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to enhance countermeasures against a novel influenza, etc., in combination with the Act on the Prevention of Infectious Diseases and Medical Care for Patients with Infectious Diseases (Act No. 114 of 1998; referred to below as "Infectious Diseases Control Law") and other laws concerning the prevention of outbreaks and the spread of a novel influenza, etc., in order to protect the lives and health of the people and minimize the impact on the national life and economy if there is an outbreak of a novel influenza, etc., by establishing a plan for implementing countermeasures against a novel influenza, etc., countermeasures to be taken if there is an outbreak of a novel influenza, etc., intensive measures for prevention of the spread of a novel influenza, etc., emergency measures against a novel influenza, etc., and other

special countermeasures concerning matters related to a novel influenza, etc., based on the fact that, since the majority of the people are not yet immunized, a novel influenza etc. is likely to spread quickly nationwide, the symptoms following infection with that novel influenza, etc. are likely to be severe, and, as a result, the spread of that novel influenza, etc. is likely to have a serious impact on the national life and economy.

(Definitions)

Article 2 In this Act, the meanings of the terms stated in the following items are as prescribed in each of those items:

- (i) the term "novel influenza, etc." refers to an infection with a novel influenza, etc. provided for in Article 6, paragraph (7) of the Infectious Diseases Control Law (referred to simply as "novel influenza infection" in Article 6, paragraph (2), item (ii), (a)), a designated infectious disease provided for in Article 6, paragraph (8) of the Infectious Diseases Control Law (limited to infectious diseases to be included in the report in Article 14), or a new infectious disease provided for in Article 6, paragraph (9) of the Infectious Diseases Control Law (limited to new infectious diseases that are likely to spread rapidly nationwide);
- (ii) the term "countermeasures against a novel influenza, etc." refers to countermeasures implemented by the national government, local governments, and designated public institutions as well as designated local public institutions pursuant to the provisions of this Act, the Infectious Diseases Control Law, and other laws in order to protect the lives and health of the people and minimize the impact on the national life and economy from the time when the Government Countermeasures Headquarters prescribed in Article 15, paragraph (1) is established pursuant to the provisions of that paragraph until the time when the Government Countermeasures Headquarters is closed pursuant to the provisions of Article 21, paragraph (1);
- (ii)-2 the term "specified countermeasures against a novel influenza, etc." refers to countermeasures against a new influenza, etc. which are implemented by local governments pursuant to the provisions of this Act and the Infectious Diseases Control Law and which are prescribed by Cabinet Order as countermeasures that are particularly necessary for preventing the spread of a novel influenza, etc.;
- (iii) the term "intensive measures for prevention of the spread of a novel influenza, etc." refers to countermeasures implemented by the national government and local governments pursuant to the provisions of this Act in order to protect the lives and health of the people and minimize the impact on the national life and economy from the time when a public notice is issued

pursuant to the provisions of Article 31-6, paragraph (1) until the time when a public notice is issued pursuant to the provisions of paragraph (4) of that Article, stating that the situation prescribed in paragraph (1) of that Article has ended;

- (iv) the term "emergency measures against a novel influenza, etc." refers to countermeasures implemented by the national government, local governments, and designated public institutions as well as designated local public institutions pursuant to the provisions of this Act from the time a declaration of an emergency is made in response to a novel influenza, etc. as prescribed in Article 32, paragraph (1) pursuant to the provisions of that paragraph until that declaration of emergency in response to a novel influenza, etc. is canceled as prescribed in paragraph (5) of that Article pursuant to the provisions of that paragraph, in order to protect the lives and health of the people and minimize the impact on the national life and economy;
- (v) the term "designated administrative organ" refers to any of the following organs as specified by Cabinet Order:
  - (a) the Cabinet Office, the Imperial Household Agency, and organs prescribed in Article 49, paragraphs (1) and (2) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999), the Digital Agency, and organs prescribed in Article 3, paragraph (2) of the National Government Organization Act (Act No. 120 of 1948);
  - (b) organs prescribed in Articles 37 and 54 of the Act for Establishment of the Cabinet Office, in Article 16, paragraph (1) of the Imperial Household Agency Act (Act No. 70 of 1947), and in Article 8 of the National Government Organization Act;
  - (c) organs prescribed in Articles 39 and 55 of the Act for Establishment of the Cabinet Office, in Article 16, paragraph (2) of the Imperial Household Agency Act, and in Article 8-2 of the National Government Organization Act;
  - (d) organs prescribed in Articles 40 and 56 of the Act for Establishment of the Cabinet Office and in Article 8-3 of the National Government Organization Act;
- (vi) the term "designated local administrative organ" refers to a local branch office of a designated administrative organ (meaning a local branch office stated in Articles 43 and 57 of the Act for Establishment of the Cabinet Office (including as applied *mutatis mutandis* pursuant to Article 18, paragraph (1) of the Imperial Household Agency Act), Article 17, paragraph (1) of the Imperial Household Agency Act, and Article 9 of the National Government Organization Act) and any other local administrative organ of the national government specified by Cabinet Order;

- (vii) the term "designated public institution" refers to an incorporated administrative agency (meaning incorporated administrative agencies provided for in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999)), the Bank of Japan, the Japanese Red Cross Society, the Japan Broadcasting Corporation, or any other public institution that is specified by Cabinet Order, and a corporation that engages in medical care, manufacture or sale of pharmaceuticals (meaning pharmaceuticals provided for in Article 2, paragraph (1) of the Act on Securing Quality, Efficacy and Safety of Products Including Pharmaceuticals and Medical Devices (Act No. 145 of 1960); the same applies below), medical devices (meaning medical devices provided for in paragraph (4) of that Article; the same applies below), or regenerative medical products (meaning regenerative medical products provided for in paragraph (9) of that Article; the same applies below), a corporation that engages in supply of electricity or gas, transportation, telecommunications, or any other corporation specified by Cabinet Order that engages in business for public interest purposes; and
- (viii) the term "designated local public institution" refers to a corporation engaged in the provision of medical care or the manufacture sale of pharmaceuticals, medical devices or regenerative medicine products, the supply of electricity or gas, transportation, telecommunications or other public interest business within a prefecture, a local public road corporation (meaning a local public road corporation provided for in Article 1 of the Local Public Road Corporation Act (Act No. 82 of 1970)) or any other corporation that manages public facilities, or a local incorporated administrative agency (meaning a local incorporated administrative agency provided for in Article 2, paragraph (1) of the Local Incorporated Administrative Agency Act (Act No. 118 of 2003)), which is not specified by Cabinet Order as stated in the preceding item and which the governor of that prefecture designates after hearing the opinions of the corporation.

(Responsibilities of the National and Local Governments)

- Article 3 (1) If there is an outbreak of a novel influenza, etc., the national government is responsible for preparing for every eventuality on a national level by adequately and promptly implementing its own countermeasures against the novel influenza, etc. and by providing adequate and prompt support for any countermeasures against the novel influenza, etc. implemented by local governments and designated public institutions in order to protect the lives and health of the people from the novel influenza, etc. and to minimize the impact of the novel influenza, etc. on the national life and economy.
- (2) The national government is to endeavor to promote investigations and

research on a novel influenza, etc. and vaccines or other pharmaceuticals to treat it.

- (3) The national government is to ensure international coordination with the World Health Organization and other international organizations, as well as with countries in Asia and other foreign countries, while also promoting international cooperation in investigations and research on a novel influenza, etc.
- (4) If there is an outbreak of a novel influenza, etc., local governments are responsible for adequately and promptly implementing countermeasures against the novel influenza, etc. in their areas, and for comprehensively promoting countermeasures against the novel influenza, etc. implemented by the related organizations in the areas of the relevant local governments, in accordance with the basic action policy prescribed in Article 18, paragraph (1).
- (5) If there is an outbreak of a novel influenza, etc., designated public institutions and designated local public institutions are responsible for implementing countermeasures against the novel influenza, etc. through their operations pursuant to the provisions of this Act.
- (6) When implementing countermeasures against a novel influenza, etc., the national government, local governments, designated public institutions, and designated local public institutions must coordinate and cooperate with each other, and make every effort to adequately and promptly implement those countermeasures.

#### (Responsibilities of Business Operators and the People)

Article 4 (1) Business operators and the people must endeavor to prevent a novel influenza, etc. and the spreading of infection and endeavor to cooperate with any countermeasures against the novel influenza, etc.

- (2) Business operators must endeavor to take appropriate measures when conducting their operations by taking into consideration the impact of an outbreak of a novel influenza, etc.
- (3) Even if there is an outbreak of a novel influenza, etc., the registered business operators provided for in Article 28, paragraph (1), item (i) must endeavor to continuously provide medical care and conduct operations that contribute to the stability of the national life and economy.

#### (Respect for Fundamental Human Rights)

Article 5 Since the freedom and rights of the people must be respected, even if restrictions are imposed on the freedom and rights of the people when countermeasures against a novel influenza, etc. are implemented, those restrictions must be kept to the minimum necessary to implement those countermeasures against the novel influenza, etc.

## Chapter II Plans for the Implementation of Countermeasures Against a Novel Influenza

(Preparation and Publication of the National Action Plan)

Article 6 (1) In order to prepare for an outbreak of a novel influenza, etc., the government is to establish a plan for implementing countermeasures against the novel influenza, etc. (referred to below as "national action plan").

(2) A national action plan is to provide for the following matters:

- (i) basic policies for implementing countermeasures against a novel influenza, etc.;
- (ii) matters concerning the following measures to be implemented by the national government:
  - (a) collection of information on the status, trends, and causes of any outbreaks in foreign countries and Japan of a novel influenza, etc. and infectious diseases in animals that are highly likely to mutate into a novel influenza infection;
  - (b) provision of information concerning a novel influenza, etc. to local governments, designated public institutions, business operators, and the people in an appropriate manner;
  - (c) if an outbreak of a novel influenza, etc. occurs for the first time in Japan, comprehensive promotion of countermeasures against the novel influenza, etc. by the National On-site Headquarters prescribed in Article 16, paragraph (8);
  - (d) quarantine, implementation of specified vaccinations provided for in Article 28, paragraph (3), and other measures to prevent the spread of the novel influenza, etc.;
  - (e) comprehensive coordination to ensure that a system for providing medical care is put in place;
  - (f) measures for stabilizing the prices of daily necessities and other measures for stabilizing the national life and economy;
- (iii) matters concerning the criteria for registration by the Minister of Health, Labour and Welfare under the provisions of Article 28, paragraph (1), item (i);
- (iv) matters that are to serve as criteria when prefectures and designated public institutions prepare prefectural action plans prescribed in paragraph (1) of the following Article or operational plans prescribed in Article 9, paragraph (1), respectively;
- (v) matters concerning systems for implementing countermeasures against a novel influenza, etc.;
- (vi) matters concerning ensuring wide-area coordination and cooperation

- among local governments and other forms of coordination and cooperation among related organizations for the implementation of countermeasures against a novel influenza, etc.; and
- (vii) beyond what is stated in the preceding items, matters necessary for the implementation of countermeasures against novel influenza, etc.
- (3) When a national action plan is established, it is to be divided into the stage before an outbreak of a novel influenza, etc., the stage where an outbreak of a novel influenza, etc. has occurred in a foreign country, and the stage where an outbreak of a novel influenza, etc. has occurred in Japan.
- (4) The Prime Minister must prepare a draft of the national action plan and seek a cabinet decision.
- (5) If the Prime Minister intends to prepare a draft of the national action plan pursuant to the provisions of the preceding paragraph, the Prime Minister must hear the opinions of the Council for the Promotion of Countermeasures against Novel Influenza, etc. referred to in Article 70-2-2 in advance.
- (6) When the cabinet decision referred to in paragraph (4) is made, the Prime Minister must, without delay, make a report about the national action plan to the National Diet and issue a public notice about the national action plan.
- (7) If the government finds it necessary for establishing a national action plan, it may request the head of a local government or any other enforcement authority (referred to below as "head or another official of a local government"), a designated public institution, or any other relevant person to provide materials or information, state their opinions, or cooperate in other ways as necessary.
- (8) The provisions of paragraph (3) through paragraph (7) apply *mutatis mutandis* to any amendments to a national action plan.

#### (Prefectural Action Plan)

- Article 7 (1) Based on the national action plan, a prefectural governor is to formulate a plan for implementing countermeasures against a novel influenza, etc. within the prefecture (referred to below as "prefectural action plan").
- (2) A prefectural action plan is to provide for the following general matters:
- (i) matters concerning a comprehensive promotion of countermeasures against a novel influenza, etc. in place within the prefecture;
  - (ii) matters concerning the following measures to be implemented by the prefecture:
    - (a) collection of information on and investigation of the status, trends, and causes of any outbreaks of a novel influenza, etc. in the prefecture;
    - (b) provision of information on a novel influenza, etc. to municipalities, designated local public institutions, medical institutions, business operators, and residents in an appropriate manner;
    - (c) requests for cooperation to prevent infection and other measures for

- preventing the spread of a novel influenza, etc.;
- (d) measures to secure sufficient medical personnel and establish other systems for providing medical care;
  - (e) requests for the sale of supplies and other measures for stabilizing the lives of residents and local economy;
- (iii) matters that are to serve as criteria when municipalities and designated local public institutions prepare municipal action plans prescribed in paragraph (1) of the following Article or operational plans prescribed in Article 9, paragraph (1), respectively;
- (iv) matters concerning systems for implementing countermeasures against a novel influenza, etc.;
- (v) matters concerning coordination with other local governments and other related organizations for the implementation of countermeasures against a novel influenza, etc.; and
- (vi) beyond what is stated in the preceding items, matters that a prefectural governor finds necessary for implementing countermeasures against a novel influenza, etc. within their prefecture.
- (3) If a prefectural governor intends to formulate a prefectural action plan, the governor must hear the opinions of persons with expert knowledge on infectious diseases or other persons with relevant expertise in advance.
- (4) When formulating a prefectural action plan and when specifying matters related to other local governments, a prefectural governor must hear the opinions of the heads of the relevant other local governments.
- (5) After formulating a prefectural action plan, a prefectural governor must report it to the Prime Minister.
- (6) If the Prime Minister finds it necessary, they may give necessary advice or recommendations to a prefectural governor with regard to the prefectural action plan for which the Prime Minister has received a report pursuant to the provisions of the preceding paragraph.
- (7) When a prefectural governor has formulated a prefectural action plan, they must promptly make a report about it to the assembly, notify the heads of municipalities within the prefecture and the relevant designated local public institutions, and make the plan public.
- (8) If a prefectural governor finds it necessary for formulating a prefectural action plan, the governor may request the head of a designated administrative organ (if the designated administrative organ is a body with a council system, that designated administrative organ; the same applies below), the head of a designated local administrative organ, the head or another official of a local government, a designated public institution, a designated local public institution, or any other relevant person to provide materials or information, state their opinions, or cooperate in other ways as necessary.

(9) The provisions of paragraph (3) through paragraph (8) apply mutatis mutandis to any amendments of a prefectural action plan.

(Municipal Action Plan)

Article 8 (1) Based on the prefectural action plan, the mayor of a municipality is to formulate a plan for implementing countermeasures against a novel influenza, etc. within the municipality (referred to below as "municipal action plan").

(2) A municipal action plan is to provide for the following general matters:

(i) matters concerning a comprehensive promotion of countermeasures against a novel influenza, etc. in place within the municipality;

(ii) matters concerning the following measures to be implemented by the municipality:

(a) provision of information on a novel influenza, etc. to business operators and residents in an appropriate manner;

(b) implementation of vaccinations for residents and other countermeasures for preventing the spread of a novel influenza, etc.;

(c) measures for conserving the living environment and other measures for stabilizing the lives of residents and local economy;

(iii) matters concerning systems for implementing countermeasures against a novel influenza, etc.;

(iv) matters concerning coordination with other local governments and other related organizations for the implementation of countermeasures against a novel influenza, etc.; and

(v) beyond what is stated in the preceding items, matters that the mayor of a municipality finds necessary for implementing countermeasures against a novel influenza, etc. within their municipality.

(3) When formulating a municipal action plan and when specifying matters related to other local governments, the mayor of a municipality must hear the opinions of the heads of the relevant other local governments.

(4) After formulating a municipal action plan, the mayor of a municipality must report it to the prefectural governor.

(5) If the prefectural governor finds it necessary, they may give necessary advice or recommendations to the mayor of a municipality with regard to the municipal action plan for which the governor has received a report pursuant to the provisions of the preceding paragraph.

(6) When the mayor of a municipality has formulated a municipal action plan, they must promptly make a report about it to the assembly and make the plan public.

(7) The provisions of paragraphs (3) and (8) of the preceding Article apply mutatis mutandis to the formulation of a municipal action plan.

(8) The provisions of paragraph (3) through paragraph (7) apply mutatis mutandis to any amendments of a municipal action plan.

(Operational Plans of Designated Public Institutions and Designated Local Public Institutions)

Article 9 (1) Based on the national action plan or prefectural action plan, a designated public institution or a designated local public institution is to prepare an operational plan for countermeasures against a novel influenza, etc. (referred to below as "operational plan") as part of its operations.

(2) An operational plan is to provide for the following matters:

(i) matters concerning the details and implementation methods of countermeasures against a novel influenza, etc. implemented by the relevant designated public institution or designated local public institution;

(ii) matters concerning systems for implementing countermeasures against a novel influenza, etc.;

(iii) matters concerning coordination with related organizations regarding the implementation of countermeasures against a novel influenza, etc.; and

(iv) beyond what is stated in the preceding three items, matters necessary for implementing countermeasures against a novel influenza, etc.

(3) When a designated public institution or a designated local public institution has prepared its operational plans, the designated public institution must promptly make a report to the Prime Minister via the head of the designated administrative organ that has jurisdiction over that designated public institution, and the designated local public institution must make a report to the prefectural governor who designated that designated local public institution. In these cases, the Prime Minister or the prefectural governor may provide the designated public institution or the designated local public institution with the necessary advice.

(4) When a designated public institution or a designated local public institution has prepared its operational plan, it must promptly notify the relevant prefectural governor and the relevant mayor of the municipality of the plan and make its outline public.

(5) The provisions of Article 7, paragraph (8) apply mutatis mutandis to the preparation of an operational plan.

(6) The provisions of the preceding three paragraphs apply mutatis mutandis to any amendments of an operational plan.

(Stockpiling of Supplies and Materials)

Article 10 Pursuant to the provisions of a national action plan, prefectural action plan, municipal action plan, or operational plan, the head of a designated administrative organ, the head of a designated local administrative

organ, the head or another official of a local government, and a designated public institution and a designated local public institution (referred to as "head or another official of a designated administrative organ" in Article 12 and Article 51) must stockpile, maintain, and inspect pharmaceuticals, medical devices, personal protective equipment (meaning personal protective equipment provided for in Article 53-16, paragraph (1) of the Infectious Diseases Control Law; the same applies in Article 64), and other supplies and materials necessary for implementing countermeasures against a novel influenza, etc. that are part of the affairs or operations under their jurisdiction, or maintain or inspect facilities and equipment under their management necessary for implementing countermeasures against a novel influenza, etc.

(Relation with Stockpiling as Provided for in the Basic Act on Disaster Management)

Article 11 Stockpiling of supplies and materials as provided for in the preceding Article and stockpiling of supplies and materials as provided for in Article 49 of the Basic Act on Disaster Management (Act No. 223 of 1961) may take place concurrently.

(Training)

- Article 12 (1) Pursuant to the provisions of a national action plan, prefectural action plan, municipal action plan, or operational plan, the head of a designated administrative organ, etc. must endeavor to conduct training on countermeasures against a novel influenza, etc. independently or in cooperation with the head or another official of another designated administrative organ, etc.. In this case, due consideration must be given to ensuring organic coordination with the disaster reduction drills referred to in Article 48, paragraph (1) of the Basic Act on Disaster Management.
- (2) Pursuant to Cabinet Order and to the extent necessary to conduct the drills referred to in the preceding paragraph, a Prefectural Public Safety Commission may designate an area or road section and prohibit or restrict pedestrian or vehicle traffic on that road if the Commission finds it particularly necessary to do so in order to ensure that the drills is conducted effectively.
- (3) When the head or another official of a designated administrative organ intends to conduct the drills referred to in paragraph (1), the head or another official may request the cooperation of residents and other relevant public or private organizations.

(Dissemination of Knowledge)

Article 13 (1) The national government and local governments must endeavor to disseminate knowledge on how to prevent a novel influenza, etc. and stop its

spread, and to raise awareness among people in order to ensure they understand and appreciate the importance of countermeasures against a novel influenza, etc.

- (2) In order to ensure that the human rights of patients with a novel influenza, etc., medical personnel, their family members, and other persons belonging to the same group as these persons (referred to below as "patient with a novel influenza, etc. or a person in their group" in this paragraph) are respected and that no person is subjected to discriminatory treatment, etc., given their high risk of being subjected to discriminatory treatment and other forms of unfair treatment due to a novel influenza, etc. (meaning acts specified in the items below; referred to below as "discriminatory treatment and other forms of unfair treatment" in this paragraph) and of falling victim to acts of demanding, requesting, or instigating other persons to engage in discriminatory treatment and other forms of unfair treatment, the national government and local governments are to assess if a patient with the novel influenza or a person in their group is subjected to any discriminatory treatment, provide consultation support to the patient with the novel influenza, etc. or a person in their group, collect, organize, analyze, and provide information on the novel influenza, etc., engage in public relations, and use other methods to raise awareness when implementing countermeasures against the novel influenza, etc.
- (i) unfair and discriminatory treatment on the grounds of being or having been a patient with the novel influenza, etc. or a person in their group;
  - (ii) an act that damages the reputation or credibility of a patient with the novel influenza, etc. or a person in their group
  - (iii) beyond what is stated in the preceding two items, an act that infringes on the rights and interests of a patient with a novel influenza, etc. or a person in their group

### **Chapter III Measures at the Time of an Outbreak of a Novel Influenza**

(Reporting an Outbreak of a Novel Influenza)

Article 14 When the Minister of Health, Labour and Welfare makes a public announcement as provided for in Article 44-2, paragraph (1), Article 44-7, paragraph (1), or Article 44-10, paragraph (1) of the Infectious Diseases Control Law, the Minister must report to the Prime Minister on the status of the outbreak of the novel influenza, etc., the severity of symptoms if a person is infected with the novel influenza, etc., and provide other necessary information.

(Establishment of the Government Countermeasures Headquarters)

Article 15 (1) Notwithstanding the provisions of Article 12, paragraph (4) of the Cabinet Act (Act No. 5 of 1947), when the Prime Minister receives a report

under the preceding Article, the Prime Minister is to temporarily establish the Headquarters for Countermeasures against the Novel Influenza, etc. (referred to below as "Government Countermeasures Headquarters") in the Cabinet upon deliberation in a Cabinet meeting, unless the symptoms of the novel influenza, etc. in the report are found to be almost the same as or less serious than the symptoms of the influenza stated in Article 6, paragraph (6), item (i) of the Infectious Diseases Control Law.

- (2) When the Prime Minister establishes the Government Countermeasures Headquarters, the Prime Minister must report to the National Diet and issue a public notice, stating the name of the Government Countermeasures Headquarters as well as the location and duration of its operation.

(Organization of the Government Countermeasures Headquarters)

Article 16 (1) The head of the Government Countermeasures Headquarters is the Chief of the Headquarters for Countermeasures against the Novel Influenza, etc. (referred to below as "Chief of the Government Countermeasures Headquarters"), and the Prime Minister (or if the Prime Minister is unavailable, a Minister of State designated in advance by the Prime Minister) serves in this capacity.

- (2) The Chief of the Government Countermeasures Headquarters manages the affairs of the Government Countermeasures Headquarters, and directs and supervises its officials.
- (3) The Deputy Chief of the Headquarters for Countermeasures against the Novel Influenza, etc. (referred to below as "Deputy Chief of the Government Countermeasures Headquarters" in this Article and Article 20, paragraph (4)), members of the Headquarters for Countermeasures against the Novel Influenza, etc. (referred to below as "members of the Government Countermeasures Headquarters" in this Article), and other officials are assigned to the Government Countermeasures Headquarters.
- (4) A Minister of State serves as the Deputy Chief of the Government Countermeasures Headquarters.
- (5) The Deputy Chief of the Government Countermeasures Headquarters assists the Chief of the Government Countermeasures Headquarters, and performs the duties of the Chief of the Government Countermeasures Headquarters in their place if the Chief of the Government Countermeasures Headquarters is unavailable. If there are two or more Deputy Chiefs of the Government Countermeasures Headquarters, they perform their duties in the order determined in advance by the Chief of the Government Countermeasures Headquarters.
- (6) All Ministers of State other than the Chief of the Government Countermeasures Headquarters and the Deputy Chief of the Government

Countermeasures Headquarters serve as members of the Government Countermeasures Headquarters. In this case, when a Minister of State is absent, a Senior Vice-Minister (including the Deputy Chief Cabinet Secretary) designated in advance by that Minister of State may perform the duties of the Minister of State.

- (7) Officials of the Government Countermeasures Headquarters other than the Deputy Chief of the Government Countermeasures Headquarters and members of the Government Countermeasures Headquarters are appointed by the Prime Minister from among the Cabinet Secretariat officials, heads (excluding Ministers of State) and other officials of designated administrative organs, or the heads and other officials of the relevant designated local administrative organs.
- (8) If an outbreak of a novel influenza, etc. occurs in Japan, a National On-Site Headquarters for Countermeasures against the Novel Influenza, etc. (referred to below as "National On-site Headquarters" in this Article) may be established within the Government Countermeasures Headquarters as an organization to carry out part of the affairs of the Government Countermeasures Headquarters as specified by the Chief of the Government Countermeasures Headquarters. In this case, the provisions of Article 156, paragraph (4) of the Local Autonomy Act (Act No. 67 of 1947) do not apply.
- (9) When the Chief of the Government Countermeasures Headquarters has established a National On-site Headquarters pursuant to the provisions of the preceding paragraph, the Chief of the Government Countermeasures Headquarters must report to the National Diet and issue a public notice, stating the name, location, and duration of operation of the National On-site Headquarters, and when the National On-site Headquarters is closed, the Chief must report to the National Diet and issue a public notice stating that fact.
- (10) The Chief of the Local Headquarters for Countermeasures against the Novel Influenza, etc. (referred to as "Chief of National On-site Headquarters" in the following paragraph and paragraph (12)), members of the National On-site Headquarters for Countermeasures against the Novel Influenza, etc. (referred to as "members of the National On-site Headquarters" in paragraph (12)), and other officials are assigned to the National On-site Headquarters.
- (11) The Chief of the National On-site Headquarters administers the affairs of the Local Government Countermeasures Headquarters under the orders of the Chief of the Government Countermeasures Headquarters.
- (12) The Chief of the National On-site Headquarters, members of the National On-site Headquarters, and other officials are appointed by the Chief of the Government Countermeasures Headquarters from among the Deputy Chief of the Government Countermeasures Headquarters, members of the Government

Countermeasures Headquarters, and other officials.

(Affairs Under the Jurisdiction of the Government Countermeasures Headquarters)

Article 17 (1) The Government Countermeasures Headquarters takes charge of the following affairs:

- (i) matters concerning a comprehensive promotion of countermeasures against a novel influenza, etc. implemented by designated administrative organs, local governments, and designated public institutions based on the basic action policy prescribed in paragraph (1) of the following Article;
  - (ii) affairs under the authority of the Chief of the Government Countermeasures Headquarters pursuant to the provisions of Article 20, paragraphs (1) and (3) (including as applied pursuant to the provisions of Article 33, paragraph (1) following the deemed replacement of terms); and
  - (iii) beyond what is stated in the preceding two items, affairs under the authority of the Government Countermeasures Headquarters pursuant to the provisions of laws and regulations.
- (2) Affairs related to the Government Countermeasures Headquarters are handled by the Cabinet Agency for Infectious Disease Crisis Management.

(Basic Action Policy)

Article 18 (1) Based on the national action plan, the Government

Countermeasures Headquarters is to establish a policy for basic action to combat a novel influenza, etc. (referred to below as "Basic Action Policy").

(2) The basic action policy is to provide for the following matters:

- (i) facts concerning the status of the outbreak of a novel influenza, etc.;
  - (ii) general policies on responses to the novel influenza, etc.; and
  - (iii) important matters concerning the implementation of countermeasures against the novel influenza, etc.
- (3) When the Chief of the Government Countermeasures Headquarters has established the basic action policy, they must immediately make it public by issuing a public notice announcing that policy.
- (4) If the Chief of the Government Countermeasures Headquarters intends to establish a basic action policy, they must hear the opinions of the Council for the Promotion of Countermeasures against Novel Influenza, etc. referred to in Article 70-2-2 in advance; provided, however, that this does not apply when there is not sufficient time to hear the opinions in advance in cases of emergency.
- (5) The provisions of the preceding two paragraphs apply mutatis mutandis to any amendments of a basic action policy.

(Delegation of Authority of the Head of a Designated Administrative Organ)

Article 19 (1) Once the Government Countermeasures Headquarters has been established, the head of a designated administrative organ may delegate all or part of the authority necessary for implementing countermeasures against a novel influenza, etc. to the officials of the that Government Countermeasures Headquarters which include officials of the relevant designated administrative organ or the head or officials of the relevant designated local administrative organ.

(2) When the head of a designated administrative organ has delegated authority under the preceding paragraph, the head must immediately make a public notice stating that fact.

(Authority of the Chief of the Government Countermeasures Headquarters)

Article 20 (1) If the Chief of the Government Countermeasures Headquarters finds it necessary to ensure that countermeasures against a novel influenza, etc. are implemented adequately and promptly, they may, based on the basic action policy, comprehensively coordinate countermeasures against a novel influenza, etc. implemented by a designated administrative organ, prefecture, or designated public institution with the head of the designated administrative organ, the head of the designated local administrative organ, and officials of the designated administrative organ and the designated local administrative organ to which authority has been delegated pursuant to the provisions of the preceding Article, prefectural governors, or other enforcement authorities (referred to below as "prefectural governors and other authorities"), and designated public institutions.

(2) In the case referred to in the preceding paragraph, the relevant prefectural governors and other authorities and designated public institutions may offer their opinions to the Chief of the Government Countermeasures Headquarters with regard to the comprehensive coordination conducted by the Chief of the Government Countermeasures Headquarters for the countermeasures against a novel influenza, etc. implemented by the relevant prefecture or designated public institution.

(3) If the required measures based on the comprehensive coordination referred to in paragraph (1) are not implemented despite the fact that the spread of a novel influenza, etc. is likely to have a serious impact on the national life and economy, and if the Chief of the Government Countermeasures Headquarters finds it particularly necessary for adequately and promptly implementing countermeasures against a novel influenza, etc., the Chief of the Government Countermeasures Headquarters may give necessary instructions to the head of a designated administrative organ, head of a designated local administrative organ, and officials of the relevant designated administrative organ and the

relevant designated local administrative organ, and prefectural governors and other authorities to which authority has been delegated pursuant to the provisions of the preceding Article, to the extent necessary.

- (4) The Chief of the Government Countermeasures Headquarters may delegate all or part of the authority under the provisions of paragraph (1) or the preceding paragraph (including as applied pursuant to the provisions of Article 33, paragraph (1) following the deemed replacement of terms) to the Deputy Chief of the Government Countermeasures Headquarters.
- (5) When the Chief of the Government Countermeasures Headquarters has delegated authority under the provisions of the preceding paragraph, they must immediately make a public notice stating that fact.

(Closing of the Government Countermeasures Headquarters)

Article 21 (1) The Government Countermeasures Headquarters is to be closed when it has become clear that the symptoms caused by the novel influenza, etc. provided for in Article 15, paragraph (1) are almost the same as or less serious than the symptoms caused by the influenza stated in Article 6, paragraph (6), item (i) of the Infectious Diseases Control Law, or when a public announcement under Article 44-2, paragraph (3) or Article 44-7, paragraph (3) of the Infectious Diseases Control Law has been made, or when the Cabinet Order referred to in Article 6, paragraph (8) or Article 53, paragraph (1) of the Infectious Diseases Control Law has been abolished.

- (2) Once the Government Countermeasures Headquarters has been closed, the Prime Minister must report this to the National Diet and issue a public notice announcing that closure.

(Establishment of Prefectural Countermeasures Headquarters and Affairs Under Its Jurisdiction)

Article 22 (1) When a Government Countermeasures Headquarters has been established pursuant to the provisions of Article 15, paragraph (1), the prefectural governor must immediately establish a Prefectural Countermeasures Headquarters pursuant to the provisions of the prefectural action plan.

- (2) A Prefectural Countermeasures Headquarters takes charge of affairs concerning a comprehensive promotion of countermeasures against a novel influenza, etc. that have been implemented by the prefecture, and municipalities, designated public institutions, and designated local public institutions located in the prefecture, and that apply to the area within the prefecture.

(Organization of the Prefectural Countermeasures Headquarters)

Article 23 (1) The head of a Prefectural Countermeasures Headquarters is the Chief of the Prefectural Countermeasures Headquarters, and the prefectural governor serves in this capacity.

(2) Members are assigned to a Prefectural Countermeasures Headquarters, and the following persons (excluding those stated in item (iv) if a Prefectural Countermeasures Headquarters was established by a prefectural governor other than the Governor of Tokyo) serve in this capacity:

(i) vice-governor

(ii) the superintendent of a prefectural board of education;

(iii) Superintendent General of the Metropolitan Police Department or Chief of Prefectural Police Headquarters;

(iv) a fire chief of a special ward; and

(v) in addition to the persons stated in the preceding items, persons appointed by the prefectural governor from among the officials of the relevant prefecture.

(3) A deputy chief is assigned to a Prefectural Countermeasures Headquarters, and is appointed by the prefectural governor from among the members referred to in the preceding paragraph.

(4) If the Chief of the Prefectural Countermeasures Headquarters finds it necessary, they may have national government officials or other persons that are not officials of the relevant prefecture attend meetings of the Prefectural Countermeasures Headquarters.

(Authority of the Chief of the Prefectural Countermeasures Headquarters)

Article 24 (1) If the Chief of the Prefectural Countermeasures Headquarters finds it necessary for adequately and promptly implementing countermeasures against a novel influenza, etc. within the relevant prefecture, the Chief may comprehensively coordinate countermeasures against a novel influenza, etc. that are in place within a prefecture and are implemented by that prefecture, relevant municipalities, relevant designated public institutions, and designated local public institutions.

(2) In the case referred to in the preceding paragraph, the mayor of the relevant municipality or any other enforcement authority (referred to as "relevant mayor of a municipality, etc." in Article 33, paragraph (2)) or the relevant designated public institution or designated local public institution may offer its opinion to the Chief of the relevant Prefectural Countermeasures Headquarters with regard to the comprehensive coordination conducted by the Chief of the Prefectural Countermeasures Headquarters with regard to the countermeasures against a novel influenza, etc. implemented by the relevant municipality or the relevant designated public institution or designated local public institution within the relevant prefecture.

- (3) If the Chief of the Prefectural Countermeasures Headquarters finds it necessary to maintain close liaison with a designated administrative organ or designated public institution with regard to the implementation of countermeasures against a novel influenza, etc. within the prefecture, the Chief may request the head of the designated local administrative organ with jurisdiction over the matters requiring the liaison (if there is no such designated local administrative organ, the head of the relevant designated administrative organ) or request the relevant designated public institution to dispatch an official that organ or that institution designates.
- (4) When the Chief of the Prefectural Countermeasures Headquarters finds it particularly necessary, they may request the Chief of the Government Countermeasures Headquarters to comprehensively coordinate countermeasures against a novel influenza, etc. implemented by designated administrative organs and designated public institutions. In this case, when the Chief of the Government Countermeasures Headquarters finds it necessary, they must carry out the necessary comprehensive coordination.
- (5) If the Chief of the Prefectural Countermeasures Headquarters finds it necessary for the comprehensive coordination referred to in paragraph (1), they may request the Chief of the Government Countermeasures Headquarters to provide information necessary for implementing countermeasures against a novel influenza, etc. within the relevant prefecture.
- (6) If the Chief of the Prefectural Countermeasures Headquarters finds it necessary for the comprehensive coordination referred to in paragraph (1), they may request the organizations involved in the comprehensive coordination to submit reports or materials on the status of the implementation of countermeasures against the novel influenza, etc. within the relevant prefecture.
- (7) The Chief of the Prefectural Countermeasures Headquarters may request the prefectural police and the board of education of the relevant prefecture to take necessary measures to the extent necessary to implement countermeasures against a novel influenza, etc. within the relevant prefecture.
- (8) If the Chief of the Prefectural Countermeasures Headquarters finds it necessary for an adequate and prompt implementation of countermeasures against a novel influenza, etc. within the prefecture, the Chief may make any necessary requests to the head of a designated administrative organ or the head of a designated local administrative organ concerning the implementation of countermeasures against a novel influenza, etc. that are part of the affairs under the jurisdiction of those organs.
- (9) If the Chief of the Prefectural Countermeasures Headquarters finds it necessary for adequately and promptly implementing countermeasures against a novel influenza, etc. within the relevant prefecture, the Chief may request

public or private organizations or individuals to cooperate as necessary in implementing countermeasures against a novel influenza, etc. in their areas.

(Closing of Prefectural Countermeasures Headquarters)

Article 25 When the Government Countermeasures Headquarters is closed pursuant to the provisions of Article 21, paragraph (1), the prefectural governor is to close the Prefectural Countermeasures Headquarters without delay.

(Matters To Be Specified by Ordinance)

Article 26 Beyond what is provided for in Articles 22 through 25 and in Article 33, paragraph (2), necessary matters concerning the Prefectural Countermeasures Headquarters are specified by Prefectural Ordinance.

(Prefectural Governor Acting as an Agent)

Article 26-2 (1) If the mayor of a municipality finds that the municipality has become unable to conduct all or the majority of its affairs due to the spread of a novel influenza, etc., the mayor may request the governor of the prefecture to which the municipality belongs to implement all or part of the specified countermeasures against a novel influenza, etc. that should be implemented by the mayor within the municipality.

(2) If a prefectural governor receives a request under the provisions of the preceding paragraph from the mayor of a municipality within the prefecture, the prefectural governor must, on behalf of the mayor of that municipality, implement all or part of the specified countermeasures against a new influenza, etc. within the municipality that were to be implemented by the mayor of the municipality.

(3) When the prefectural governor has started or finished conducting affairs on behalf of the mayor of a municipality pursuant to the provisions of the preceding paragraph, the governor must make a public notice of this.

(4) Necessary matters concerning the governor of a prefecture acting as a substitute pursuant to paragraph (2) are specified by Cabinet Order.

(Request for Support from the Head of Another Local Government)

Article 26-3 (1) If a prefectural governor finds it necessary for implementing specified countermeasures against a new influenza, etc. within their prefecture, the governor may request support from governors of other prefectures.

(2) When the mayor of a municipality finds it necessary for implementing specified countermeasures against a new influenza, etc. within the relevant municipality, the mayor may request support from mayors of other municipalities.

- (3) A person who provides support as stated in the preceding two paragraphs is to act under the direction of the prefectural governor or mayor who has requested support for the implementation of specified countermeasures against a new influenza, etc.

Article 26-4 When the mayor of a municipality finds it necessary for implementing specified countermeasures against a new influenza, etc. within the municipality, the mayor may request support from the governor of the prefecture to which the municipality belongs. In this case, the prefectural governor who is requested to provide support must not refuse to do so unless there is a justifiable reason.

(Special Provisions on Procedures for Entrusting Municipal Affairs)

Article 26-5 Notwithstanding the provisions of Articles 252-14 and 252-15 of the Local Autonomy Act, if a municipality finds it necessary for implementing specified countermeasures against a new influenza, etc. within the municipality, it may, pursuant to the provisions of Cabinet Order, entrust its affairs or part of the affairs under the authority of the mayor of the municipality to another local government and have the head of that other local government manage and conduct the affairs.

(Request for Dispatch of Officials)

Article 26-6 (1) If it is necessary for implementing specified countermeasures against a new influenza, etc., the prefectural governor or the mayor of a municipality may request the head of a designated administrative organ or the head of a designated local administrative organ to dispatch the officials of the designated administrative organ or the designated local administrative organ pursuant to the provisions of Cabinet Order.

- (2) When the mayor of a municipality requests the dispatch of officials pursuant to the provisions of the preceding paragraph, the request is to be made via the governor of the prefecture to which the municipality belongs; provided, however, that this does not apply when there is a particularly urgent need to protect human life.

(Obligation to Dispatch Officials)

Article 26-7 When the head of a designated administrative organ, the head of a designated local administrative organ, the head of a local government, and a specified designated local public institution (meaning a designated local incorporated administrative agency provided for in Article 2, paragraph (2) of the Act on Specified Local Incorporated Administrative Agencies, that is a designated local public institution) have received a request pursuant to the

provisions of paragraph (1) of the preceding Article or a request under Article 252-17, paragraph (1) of the Local Autonomy Act or Article 124, paragraph (1) of the Local Incorporated Administrative Agencies Act (limited to a request made by a prefectural governor or the mayor of a municipality for the implementation of specified countermeasures against a novel influenza, etc.), they must dispatch an official whom they find to be qualified, unless dispatching that official significantly hinders the services or affairs under their jurisdiction.

(Status and Treatment of Officials)

Article 26-8 The provisions of Article 32 of the Basic Act on Disaster Management apply *mutatis mutandis* to the status and treatment of any officials dispatched for the implementation of specified countermeasures against a new influenza, etc. pursuant to the provisions of the preceding Article (including as applied pursuant to the provisions of Article 38, paragraph (1) following the deemed replacement of terms). In this case, the term "disaster dispatch allowances" in Article 32, paragraph (1) of that Act is deemed to be replaced with "dispatch allowances for specified countermeasures against a novel influenza, etc."

(Request for Support from Designated Public Institutions and Designated Local Public Institutions)

Article 27 If a designated public institution or a designated local public institution finds it particularly necessary for implementing measures against a novel influenza, etc. as part of its operations, it may ask the head of a designated administrative organ, the head of a designated local administrative organ, or the head of a local government for support in securing labor, facilities, equipment, or supplies. In this case, the head of the designated administrative organ, the head of the designated local administrative organ, or the head of the local government that is requested to provide support must not refuse to do so unless there is a justifiable reason.

(Residents Eligible for Vaccination)

Article 27-2 (1) If the Government Countermeasures Headquarters finds it urgently necessary for preventing a novel influenza, etc. from causing significant damage to the lives and health of the people and destabilizing the national life and economy, the Government Countermeasures Headquarters is to change the basic action policy and specify the persons eligible for vaccination and the period of vaccination pursuant to the provisions of Article 6, paragraph (3) of the Immunization Act (Act No. 68 of 1948) as important matters stated in Article 18, paragraph (2), item (iii).

- (2) When, pursuant to the provisions of the preceding paragraph, determining who is eligible for vaccination pursuant to the provisions of Article 6, paragraph (3) of the Immunization Act, the impact of a novel influenza, etc. on the lives and health of the people and the long-term impact on the national life and economy are to be considered.

(Specified Vaccinations)

Article 28 (1) If the Chief of the Government Countermeasures Headquarters finds it urgently necessary for providing medical care and ensuring the stability of the national life and economy, instruct the Minister of Health, Labour and Welfare to take the following measures:

- (i) to implement temporary vaccinations for persons (limited to those who fall under the standards specified by the Minister of Health, Labour and Welfare) who engage in providing medical care or services that contribute to the stability of the national life and economy and who are registered by the Minister of Health, Labour and Welfare as prescribed by the Minister of Health, Labour and Welfare (referred to as "registered business operators" in paragraphs (3) and (4)) and for national public employees who are engaged in the implementation of countermeasures against a novel influenza, etc.; and
- (ii) to instruct the head of a prefecture or municipality to implement temporary vaccinations for local public employees who belong to that prefecture or municipality and are engaged in the implementation of countermeasures against the novel influenza, etc.
- (2) When giving instructions pursuant to the provisions of the preceding paragraph, the Chief of the Government Countermeasures Headquarters is to designate the vaccination period.
- (3) If the Minister of Health, Labour and Welfare finds it necessary to implement vaccinations based on the instructions under the provisions of paragraph (1) (referred to below as "specified vaccinations" in this Article and Article 31, paragraph (3)) and to carry out the registration in paragraph (1), item (i), the Minister may request public agencies to provide access to necessary documents or to provide necessary materials, or may request registered business operators and other relevant persons to report on any necessary matters.
- (4) If the Minister of Health, Labour and Welfare finds it necessary for the smooth implement of the specified vaccinations and the registration referred to in paragraph (1), item (i), they may request registered business operators, prefectural governors, mayors of municipalities, and heads of ministries and agencies (meaning the heads of ministries and agencies provided for in Article 20, paragraph (2) of the Public Finance Act (Act No. 34 of 1947)) to secure labor or facilities and cooperate in other ways as necessary. In this case, a registered business operator, prefectural governor, or the mayor of a municipality that

has been requested to cooperate may not refuse to do so unless there is a justifiable reason.

- (5) Specified vaccinations implemented by the Minister of Health, Labour and Welfare are deemed to be vaccinations pursuant to the provisions of Article 6, paragraph (3) of the Immunization Act, and the provisions of that Act (excluding Article 12, paragraph (2), Article 26, and Article 27) apply. In this case, the term "the mayor of the municipality or the prefectural governor" in Article 7, Article 8, Article 9-3, and Article 9-4 of that Act, and the terms "the mayor of the relevant municipality" in Article 15, paragraph (1) and "the mayor of the municipality" in Article 18, and Article 19, paragraph (1) of that Act are deemed to be replaced with "the Minister of Health, Labour and Welfare"; the term "routine vaccination, etc. while living in an area of municipality" in Article 15, paragraph (1) of that Act is deemed to be replaced with "a temporary vaccination implemented by the mayor of a municipality"; the term "routine vaccination, etc." in that paragraph is deemed to be replaced with "vaccination"; the term "municipality for routine vaccination, or a prefecture or municipality for a temporary vaccination" in Article 25, paragraph (1) of that Act, and the term "the municipality" in paragraph (2) of that Article is deemed to be replaced with "the national government".
- (6) Specified vaccinations implemented by the prefectural governor are deemed to be vaccinations pursuant to the provisions of Article 6, paragraph (3) of the Immunization Act, and the provisions of that Act (excluding Articles 26 and 27) apply. In this case, and the terms "mayor of the relevant municipality" in Article 15, paragraph (1) and "mayor of the municipality" in Article 18, and Article 19, paragraph (1) of that Act are deemed to be replaced with "prefectural governor", the term "routine vaccination, etc. while living in an area of municipality" in Article 15, paragraph (1) of that Act is deemed to be replaced with "temporary vaccination implemented by the mayor of a municipality", the term "routine vaccination, etc." in that paragraph is deemed to be replaced with "vaccination", the term "municipality for routine vaccination, and a prefecture or municipality for temporary vaccination" in Article 25, paragraph (1) of that Act, and the term "municipality" in paragraph (2) of that Article is deemed to be replaced with "prefecture".
- (7) Specified vaccinations implemented by the mayor of a municipality are deemed to be vaccinations pursuant to the provisions of Article 6, paragraph (3) of the Immunization Act, and the provisions of the same Act (excluding Articles 26 and 27) apply. In this case, "routine vaccination, etc. while living in an area of municipality" in Article 15, paragraph (1) of that Act is deemed to be replaced with "temporary vaccination implemented by the mayor of a municipality," the term "routine vaccination, etc." in that paragraph is deemed to be replaced with "vaccination," and "municipality for routine vaccination,

and a prefecture or municipality for temporary vaccination" in Article 25, paragraph (1) of that Act is deemed to be replaced with "municipality".

(Use of Facilities for Detention)

Article 29 (1) If an outbreak of a novel influenza, etc. occurs in a foreign country, the Minister of Health, Labour and Welfare may designate quarantine ports (meaning quarantine ports as prescribed in Article 3 of the Quarantine Act (Act No. 201 of 1951); the same applies in paragraph (4)) and quarantine airports (meaning quarantine airports as prescribed in Article 3 of that Act; the same applies in paragraph (4)) as ports and airports that must enforce quarantine (referred to below as "designated quarantine port or airport" in this Article) for vessels or aircraft that are arriving from the country where the outbreak occurred after departing from or visiting that country (limited to a vessel or aircraft that has personnel on board that boarded the vessel or aircraft in the country where the outbreak occurred; referred to as "specified vessel or aircraft" in paragraph (4) of this Article and in paragraph (2) of the following Article), if the Minister finds it necessary to do so in order to properly enforce quarantine, based on the status of the outbreak and spread of the novel influenza, etc. in the country where the outbreak occurred (meaning the foreign country where an outbreak of the novel influenza, etc. has occurred; the same applies below in this paragraph), the condition of quarantine station equipment in Japan, an increase in the number of persons to be detained as stated in Article 14, paragraph (1), item (ii) of that Act (referred to as "detention" in paragraph (5) of this Article and paragraph (1) of the following Article), and other circumstances.

(2) If the Minister of Health, Labour and Welfare intends to specify a designated quarantine port or airport, they are to consult with the Minister of Land, Infrastructure, Transport and Tourism.

(3) When the Minister of Health, Labour and Welfare has specified a designated quarantine port or airport, they are to issue a public notice stating that fact without delay.

(4) If a specified vessel or aircraft arrives at a quarantine port or quarantine airport that is not a designated quarantine port or airport, the quarantine station chief is to give instructions to direct that vessel or aircraft to a designated quarantine port or airport.

(5) When the number of persons subject to quarantine at a designated quarantine port or airport is increasing and it is found to be difficult to proceed with detentions due to a lack of facilities for detention even if cooperation in providing accommodation facilities is requested pursuant to the provisions of Article 23-3 of the Quarantine Act, and the quarantine station chief overseeing quarantine at a designated quarantine port or airport (referred to as "chief of a

designated quarantine station" in Article 71, paragraph (1)) finds it necessary to properly enforce quarantine, when the administrator of a hospital, clinic, or an accommodation facility that is prescribed in Article 44-3, paragraph (2) or Article 50-2, paragraph (2) of the Infectious Diseases Control Law (limited to accommodation facilities located in an area around a designated quarantine port or airport which is designated by the Minister of Health, Labour and Welfare based on the distance from the designated quarantine port or airport and other circumstances; referred to below as "designated hospital or another healthcare facility" in this paragraph) does not accept entrustment pursuant to the provisions of Article 16, paragraph (2) of the Quarantine Act (including as applied mutatis mutandis pursuant to Article 34, paragraph (1) of that Act; the same applies below in this paragraph) or Article 34-4, paragraph (1) of that Act or does not give the consent referred to in Article 16, paragraph (2) of that Act without a justifiable reason, or when the quarantine station chief cannot entrust the detention pursuant to the provisions of that paragraph or Article 34-4, paragraph (1) of that Act or cannot request the consent referred to in Article 16, paragraph (2) of that Act because the administrator of the designated hospital or another healthcare facility cannot be located, the quarantine station chief may, notwithstanding the provisions of Article 16, paragraph (2) of the Quarantine Act or the provisions of Article 34-4, paragraph (1) of that Act, use a designated hospital or another healthcare facility without entrusting the detention pursuant to the provisions of Article 16, paragraph (2) of that Act or Article 34-4, paragraph (1) of that Act or without obtaining the consent referred to in Article 16, paragraph (2) of that Act.

- (6) The provisions of paragraphs (2) and (3) apply mutatis mutandis to any changes to a designated quarantine port or airport.

(Requests for Restrictions on Operation of Vessels or Aircraft)

Article 30 (1) If it is found to be extremely difficult to proceed with detentions even if the measures under the provisions of the preceding Article are taken, and there is a risk that it may not be possible to prevent pathogens of a novel influenza, etc. from entering the country via a vessel or aircraft, the Minister of Health, Labour and Welfare must report that to the Chief of the Government Countermeasures Headquarters.

- (2) When the Chief of the Government Countermeasures Headquarters finds it urgently necessary for preventing an outbreak of a novel influenza, etc. in Japan and for avoiding any significant damage to the lives and health of the people and disruption in the national life and economy based on the report made pursuant to the provisions of the preceding paragraph, the Chief may, while ensuring international coordination, request the business operator

engaged in the operation of specified vessels or aircraft to restrict the arrival of a specified vessel or aircraft.

- (3) After making a request pursuant to the provisions of the preceding paragraph, the Chief of the Government Countermeasures Headquarters must make that fact public without delay.

(Requests for Provision of Medical Care)

Article 31 (1) When a prefectural governor finds it necessary in order to provide medical care to a patient with a novel influenza, etc. or to a person who is suspected to be infected with a novel influenza, etc. based on reasonable grounds (referred to below as "patient or suspected patient"), the prefectural governor may request a physician, nurse, or other medical personnel specified by Cabinet Order (referred to below as "medical personnel") to provide medical care to the patient or suspected patient by indicating the location, period, and other necessary matters.

- (2) When the Minister of Health, Labour and Welfare and a prefectural governor find it necessary for collecting specimens to test whether or not a person is infected with a novel influenza, etc., as prescribed by Order of the Ministry of Health, Labour and Welfare (referred to below as "collecting specimens"), the Minister and governor may request cooperation necessary for the collection of specimens from medical personnel by indicating the location, period, and other necessary matters.

- (3) When the Minister of Health, Labour and Welfare and the prefectural governor find it necessary to implement a vaccination or specified vaccination pursuant to the provisions of Article 6, paragraph (3) of the Immunization Act (referred to below as "vaccination or specified vaccination"), the Minister and the governor may request cooperation necessary for the implement of a vaccination or specified vaccination from medical personnel by indicating the location, period, and other necessary matters.

- (4) When medical personnel do not respond to a request pursuant to the provisions of the preceding three paragraphs without a justifiable reason and only when it is deemed particularly necessary to provide medical care, collect specimens, or implement vaccinations or specified vaccinations for patients or suspected patients (referred to below as "medical care and other medical services for patients or suspected patients" in this Article and Article 62, paragraph (2)), the Minister of Health, Labour and Welfare and the prefectural governor may instruct the medical personnel to provide medical care and other medical services for patients or suspected patients. In this case, the matters stated in the preceding three paragraphs must be indicated in writing.

- (5) When the Minister of Health, Labour and Welfare and the prefectural governor request or instruct medical personnel to provide medical care and

other medical services for patients or suspected patients pursuant to the provisions of any of the preceding paragraphs, the Minister and the prefectural governor must give due consideration to protecting the lives and health of the medical personnel and take necessary measures to prevent exposing anyone to any danger.

- (6) If the mayor of a municipality finds it necessary to implement a vaccination or specified vaccination, the mayor may ask the prefectural governor to make a request or give instructions pursuant to the provisions of paragraph (3) or (4).

(Requesting Dental Practitioners to Collect Specimens or Administer Injections)

Article 31-2 (1) When the Minister of Health, Labour and Welfare and a prefectural governor find it difficult to secure medical personnel to collect specimens or administer vaccines (referred to below as "administering injections") even after making a request pursuant to the provisions of paragraph (2) or (3) of the preceding Article or giving an instruction pursuant to the provisions of paragraph (4) of that Article, and it is particularly necessary to secure persons to collect specimens and administer injections, the Minister and the prefectural governor may request a dental practitioner to collect specimens or administer injections by indicating the place, period, and other necessary matters.

- (2) Notwithstanding the provisions of Article 31, paragraph (1) and Article 32 of the Act on Public Health Nurses, Midwives, and Nurses (Act No. 203 of 1948), when a dental practitioner collects specimens or administers injections in response to a request pursuant to the provisions of the preceding paragraph, the dental practitioner may engage in the business of collecting specimens or administering injections as assistance to medical care at the place and during the period stated in the preceding paragraph.

- (3) The provisions of paragraph (5) of the preceding Article apply mutatis mutandis when a dental practitioner is requested to collect specimens or administer injections pursuant to the provisions of paragraph (1).

(Requesting Radiology Technicians to Administer Injections)

Article 31-3 (1) The Minister of Health, Labour and Welfare and a prefectural governor may request a radiology technician (limited to radiology technicians specified by Order of the Ministry of Health, Labour and Welfare; the same applies in item (i) of the following paragraph), clinical laboratory technician, clinical engineer (limited to clinical engineers specified by Order of the Ministry of Health, Labour and Welfare; the same applies in item (ii) of the following paragraph), and emergency life-saving technician (collectively referred to as "radiology technicians or other technicians and engineers" in

paragraph (3) and Article 62, paragraph (3)) to administer injections by indicating the location, period, and other necessary matters, if it is found that it is difficult to secure medical personnel to administer injections even after a request pursuant to the provisions of Article 31, paragraph (3) or an instruction pursuant to the provisions of paragraph (4) of that Article is made, and it is particularly necessary to secure persons to administer injections.

- (2) When a person stated in the following items administers injections in response to a request pursuant to the provisions of the preceding paragraph, the person may engage in the business of administering injections as assistance to medical care at the place and during the period stated in that paragraph, notwithstanding the provisions specified in each of the following items:
- (i) radiology technician: the provisions of Article 31, paragraph (1) and Article 32 of the Act on Public Health Nurses, Midwives, and Nurses, and Article 26, paragraph (2) of the Radiology Technicians Act (Act No. 226 of 1951);
  - (ii) clinical laboratory technicians and clinical engineers: the provisions of Article 31, paragraph (1) and Article 32 of the Act on Public Health Nurses, Midwives, and Nurses; and
  - (iii) emergency life-saving technicians: the provisions of Article 31, paragraph (1) and Article 32 of the Act on Public Health Nurses, Midwives, and Nurses, and the provisions of Article 44, paragraph (2) of the Emergency Life-Saving Technicians Act (Act No. 36 of 1991).
- (3) The provisions of Article 31, paragraph (5) apply *mutatis mutandis* when a radiology technician or another technician or engineer is requested to administer injections pursuant to the provisions of paragraph (1).

(Temporary Medical Facilities)

- Article 31-4 (1) If a prefectural governor finds that there is a shortage of hospitals or other medical institutions within the prefecture and that that shortage will hinder the provision of medical care, the governor must provide medical care in facilities for providing medical care to patients or suspected patients (referred to as "medical facilities" in paragraph (4)) that are temporarily established by the governor (referred to below as "temporary medical facilities" in this Article, the following Article, and Article 49) pursuant to the provisions of the prefectural action plan.
- (2) When the prefectural governor finds it necessary, the governor may delegate part of the affairs concerning the implementation of the measures referred to in the preceding paragraph to the mayor of a municipality, pursuant to the provisions of Cabinet Order.
- (3) The provisions of Article 17, paragraphs (1) and (2) of the Fire Service Act (Act No. 186 of 1948) do not apply to temporary medical facilities. In this case,

with regard to temporary medical facilities, the prefectural governor must establish standards for setting up and maintaining equipment used for fire defense, providing water for fire defense, and establishing facilities necessary for fire-fighting work, and take other measures necessary for preventing disasters at the temporary medical facilities and for ensuring public safety, in accordance with that Act.

- (4) The provisions of the main clause of Article 85, paragraph (1) and paragraphs (3) through (5) of the Building Standards Act (Act No. 201 of 1950) and Article 77, paragraphs (1), (3), and (4) of the Landscape Act (Act No. 110 of 2004) apply mutatis mutandis to emergency repairs of medical facilities and the construction of temporary medical facilities conducted by the prefectural governor, and the provisions of the main clause of Article 87-3, paragraph (1) and paragraphs (3) through (5) of the Building Standards Act apply mutatis mutandis to temporary medical facilities when the prefectural governor changes the purpose of buildings and designates them to be used as temporary medical facilities. In this case, the term "a serious disaster" in Article 85, paragraph (1) and Article 87-3, paragraph (1) of the latter Act is deemed to be replaced with "where the Government Countermeasures Headquarters prescribed in Article 15, paragraph (1) of the Act on Special Measures Against Novel Influenza, etc. has been established pursuant to the provisions of that paragraph", the term "serious disaster area, etc. (which means the area where the serious disaster has occurred or adjacent areas thereto as designated by the Designated Administrative Agency; the same apply in Article 87-3, Paragraph (1))" in Article 85, paragraph (1) of that Act is deemed to be replaced with "prefecture", the term "within one month from the date of occurrence of the relevant disaster" in that paragraph and Article 87-3, paragraph (1) of that Act is deemed to be replaced with "before the Government Countermeasures Headquarters is closed pursuant to the provisions of Article 21, paragraph (1) of that Act", the term "disaster victims" in Article 85, paragraph (5) and Article 87-3, paragraph (5) of that Act is deemed to be replaced with "medical care within a prefecture", the term "building" in those paragraphs is deemed to be replaced with "medical facility", the term "serious disaster area, etc." in paragraph (1) of those Articles is deemed to be replaced with "prefecture", the term "In the event of an extraordinary disaster" in Article 77, paragraph (1) of the Landscape Act is deemed to be replaced with "If the Government Countermeasures Headquarters has been established as prescribed in Article 15, paragraph (1) of the Act on Special Measures Against Novel Influenza, etc. pursuant to the provisions of that paragraph", the term "in the area affected by the disaster and adjoining areas specified by the mayor of the municipality" in that paragraph is deemed to be replaced with "within the prefecture", and the term "within one month after the day the disaster

occurred" is deemed to be replaced with "before the Government Countermeasures Headquarters is closed pursuant to the provisions of Article 21, paragraph (1) of that Act".

- (5) The provisions of Chapter IV of the Medical Care Act (Act No. 205 of 1948) do not apply to temporary medical facilities.
- (6) When a person who has established a hospital within a prefecture or a person who is neither a clinically trained physician nor a clinically trained dental practitioner prescribed in Article 7, paragraph (1) of the Medical Care Act but has established a clinic within the prefecture seeks to change any of the items for which permission must be obtained pursuant to the provisions of Article 7, paragraph (2) of that Act in order to provide medical care to patients or suspected patients during the period from when the Government Countermeasures Headquarters is established pursuant to the provisions of Article 15, paragraph (1) until that Government Countermeasures Headquarters is closed pursuant to the provisions of Article 21, paragraph (1), the provisions of Article 7, paragraph (2) of the Medical Care Act do not apply for as long as that medical care is provided (limited to a period not exceeding six months).
- (7) In the case referred to in the preceding paragraph, the person prescribed in that paragraph must notify the prefectural governor of the prefecture where the hospital or clinic is located (if the clinic is located in a city or special ward with a public health center, the mayor of the city or ward with a public health center) of the details of the change within 10 days from the day on which the medical care started to be provided.

(Use of Land to Establish a Temporary Medical Facility)

Article 31-5 When a prefectural governor finds it necessary to use land, a house, or supplies (referred to below as "land or other resources" in this Article, Article 49, and Article 72, paragraph (3)) in order to establish a temporary medical facility, the governor may use that land or other resources with the consent of the owner and possessor of the land or other resources.

### **Chapter III-2 Intensive Measures for Prevention of the Spread of a Novel Influenza**

(Public Notice of Intensive Measures for Prevention of the Spread of a Novel Influenza)

Article 31-6 (1) If an outbreak of a novel influenza, etc. (limited to a novel influenza, etc. that meets the requirements specified by Cabinet Order as being likely to cause serious harm to the lives and health of the people; the same applies below in this and the following Chapter) has occurred in Japan, and the

Chief of the Government Countermeasures Headquarters finds that the situation in a specified area meets the criteria specified by Cabinet Order as requiring a focused implementation of intensive measures for prevention of the spread of a novel influenza, etc. in that area in order to prevent the spread of the novel influenza, etc. which is likely to have a serious impact on the national life and economy, the Chief is to issue a public notice stating the fact that the situation has occurred and the following details:

- (i) the period during which intensive measures for prevention of the spread of a novel influenza, etc. must be implemented;
  - (ii) the area where intensive measures for prevention of the spread of a novel influenza, etc. must be implemented; and
  - (iii) an outline of the situation.
- (2) The period stated in item (i) of the preceding paragraph must not exceed six months.
  - (3) If the Chief of the Government Countermeasures Headquarters finds it necessary to extend the period stated in paragraph (1), item (i) or to change the area stated in item (ii) of that paragraph based on the status of the outbreak of a novel influenza, etc., the Chief is to issue a public notice stating that the period is to be further extended for a period not exceeding six months or stating that the area is to be changed. The same applies when the period has been further extended after the previously extended period expires.
  - (4) If the Chief of the Government Countermeasures Headquarters, finds that it is no longer necessary to implement intensive measures for prevention of the spread of a novel influenza, etc. after issuing a public notice pursuant to the provisions of paragraph (1), the Chief is to promptly issue a public notice stating that the situation prescribed in that paragraph has ended.
  - (5) If the Chief of the Government Countermeasures Headquarters has issued a public notice pursuant to the provisions of paragraph (1) or (3), the Chief must change the basic action policy and determine important matters that are related to the implementation of intensive measures for prevention of the spread of a novel influenza, etc. and are required as the matters stated in Article 18, paragraph (2), item (iii) after the public notice is issued..
  - (6) The Chief of the Prefectural Countermeasures Headquarters may request the Chief of the Government Countermeasures Headquarters to issue a public notice pursuant to the provisions of paragraph (1), (3), or (4) for the area of the prefecture.

Article 31-7 Deleted

(Requests for Cooperation to Prevent Infections)

Article 31-8 (1) When the governor of a prefecture (limited to a prefecture that is

partially or entirely located within the area stated in Article 31-6, paragraph (1), item (ii) (referred below as "priority area" in this Article)) finds it necessary for the purpose of preventing the spread of a novel influenza, etc. in a priority area that is likely to have a serious impact on the national life and economy in the situation prescribed in Article 31-6, paragraph (1), the governor of that prefecture (referred to below as "prefectural governor" in this Article) may request a person who is in a business category for which it has been found necessary to take measures based on the matters specified by Cabinet Order concerning the status of the outbreak of a novel influenza, etc., to change their business hours or take other measures specified by Cabinet Order as necessary for the purpose of preventing the spread of a novel influenza, etc. in a priority area that is likely to have a serious impact on the national life and economy, during the period and in the area specified by the prefectural governor based on the incubation period, the period until recovery, and the status of the outbreak of a novel influenza, etc.

- (2) In the situation prescribed in Article 31-6, paragraph (1), the prefectural governor may request the residents of the relevant prefecture not to enter or leave, without a justifiable reason, places where business belonging to the relevant business category is conducted during hours other than the business hours specified by the request made pursuant to the provisions of that paragraph during the period and in the areas specified by the prefectural governor and stated in the preceding paragraph, and to cooperate in other ways as necessary in order to prevent the transmission of a novel influenza, etc.
- (3) When a person who has received a request pursuant to the provisions of paragraph (1) does not respond to the request without a justifiable reason, the prefectural governor may order the person to take measures related to the request only when the prefectural governor finds it particularly necessary in consideration of the matters specified by Cabinet Order for the purpose of preventing the spread of a novel influenza, etc. in a priority area that is likely to have a serious impact on the national life and economy.
- (4) In order to make a judgement on whether or not it is necessary to make a request pursuant to the provisions of paragraph (1) or (2), or issue an order pursuant to the provisions of the preceding paragraph, the prefectural governor must hear the opinions of persons with expert knowledge on infectious diseases and other persons with relevant expertise in advance.
- (5) If a prefectural governor has made a request pursuant to the provisions of paragraph (1) or has issued an order pursuant to the provisions of paragraph (3), the governor may make that fact public.

## **Chapter IV Emergency Measures Against a Novel Influenza**

### **Section 1 General Rules**

(Declaration of Emergency in Response to a Novel Influenza)

Article 32 (1) If the Chief of the Government Countermeasures Headquarters finds that an outbreak of a novel influenza, etc. has occurred in Japan and that the country is in a situation that meets the requirements specified by Cabinet Order as one that has or is likely to have a serious impact on the national life and economy due to its rapid spread across the country (referred to below as "emergency in response to a novel influenza, etc."), the Chief is to issue a public notice stating that an emergency in response to a novel influenza, etc. has arisen and stating the following matters (referred to as "declaration of an emergency in response to a novel influenza, etc." in paragraph (5) and Article 34, paragraph (1)), and is to report to the National Diet, announcing that state of emergency and stating those matters:

- (i) the period during which emergency measures against the novel influenza, etc. must be implemented;
  - (ii) the area where emergency measures against the novel influenza, etc. must be implemented; and
  - (iii) outline of the state of emergency in response to a novel influenza, etc.
- (2) The period stated in item (i) of the preceding paragraph must not exceed two years.
- (3) If the Chief of the Government Countermeasures Headquarters finds it necessary to extend the period stated in paragraph (1), item (i) or to change the area stated in item (ii) of that paragraph based on the status of the spread of a novel influenza, etc., and the condition of the national life and economy, the Chief is to issue a public notice stating that the period is to be extended or that the area is to be changed, and is to report this to the National Diet.
- (4) The period to be extended pursuant to the provisions of the preceding paragraph must not exceed one year.
- (5) If the Chief of the Government Countermeasures Headquarters finds that it is no longer necessary to implement emergency measures against a novel influenza, etc. after issuing a declaration of an emergency in response to a novel influenza, etc., the Chief is to promptly issue a declaration of the end of the emergency in response to a novel influenza, etc. (meaning a public notice stating that the emergency in response to a novel influenza, etc. has ended) and make a report to the National Diet.
- (6) If the Chief of the Government Countermeasures Headquarters has issued a public notice as stated in paragraph (1) or (3), the Chief must modify the basic action policy and specify important matters for implementing emergency measures against the novel influenza, etc. that will be required after that public notice is issued as the matters stated in Article 18, paragraph (2), item (iii).

(Instructions from the Chief of the Government Countermeasures

Headquarters and Chief of the Prefectural Countermeasures Headquarters)

Article 33 (1) When the provisions of Article 20, paragraph (3) are applied if there is an emergency in response to a novel influenza, etc., the term "prefectural governors and other authorities" in that paragraph is deemed to be replaced with "prefectural governors and other authorities, and designated public institutions".

(2) If the required measures based on the comprehensive coordination referred to in Article 24, paragraph (1) are not implemented in an emergency in response to a novel influenza, etc., and the Chief of the Prefectural Countermeasures Headquarters finds it particularly necessary for adequately and promptly implementing countermeasures against a novel influenza, etc. within the relevant prefecture, the Chief may, to the extent necessary, give necessary instructions to the relevant mayor of a municipality or other authorities and designated public institutions and designated local public institutions.

(Establishment of Municipal Countermeasures Headquarters and Affairs Under Their Jurisdiction)

Article 34 (1) When declaration of an emergency in response to a novel influenza, etc. is issued, the mayor of a municipality must immediately establish a Municipal Countermeasures Headquarters pursuant to the provisions of a municipal action plan.

(2) A Municipal Countermeasures Headquarters takes charge of affairs concerning a comprehensive promotion of countermeasures against a novel influenza, etc. implemented by the relevant municipality within that municipality.

(Organization of the Municipal Countermeasures Headquarters)

Article 35 (1) The head of the Municipal Countermeasures Headquarters is to be the Chief of the Municipal Countermeasures Headquarters, and the mayor of the relevant municipality serves in this capacity.

(2) Members are assigned to the Municipal Countermeasures Headquarters, and the following persons serve in this capacity:

(i) deputy mayors of municipalities;

(ii) the superintendent of a municipal board of education;

(iii) a fire chief who has jurisdiction over the area of the municipality or a firefighter designated by the fire chief (if a municipality does not have a fire defense headquarters, the chief of a fire corps); and

(iv) in addition to the persons stated in the preceding three items, persons appointed by the mayor of the relevant municipality from among the officials

of that municipality.

- (3) A deputy chief is assigned to a Municipal Countermeasures Headquarters, and is appointed by the mayor of the relevant municipality from among the members referred to in the preceding paragraph.
- (4) If the Chief of a Municipal Countermeasures Headquarters finds it necessary, they may have national government officials or other persons that are not officials of the relevant municipality attend meetings of the Municipal Countermeasures Headquarters.

(Authority of the Chief of a Municipal Countermeasures Headquarters)

Article 36 (1) If the Chief of a Municipal Countermeasures Headquarters finds it necessary for adequately and promptly implementing emergency measures against a novel influenza, etc. within the relevant municipality, the Chief may comprehensively coordinate emergency measures against a novel influenza, etc. that are in place within the municipality and are implemented by that municipality.

- (2) If the Chief of the Municipal Countermeasures Headquarters finds it particularly necessary, they may request the Chief of the Prefectural Countermeasures Headquarters to comprehensively coordinate emergency measures against a novel influenza, etc. implemented by the relevant prefecture, designated public institutions, and designated local public institutions. In this case, if the Chief of the Prefectural Countermeasures Headquarters finds it necessary, they must carry out the necessary comprehensive coordination.
- (3) If the Chief of a Municipal Countermeasures Headquarters finds it to be particularly necessary, they may request the Chief of the Prefectural Countermeasures Headquarters to make a request pursuant to the provisions of Article 24, paragraph (4) with regard to emergency measures against the novel influenza, etc. implemented by a designated administrative organ or designated public institution.
- (4) If the Chief of the Municipal Countermeasures Headquarters finds it necessary for the comprehensive coordination referred to in paragraph (1), they may request the Chief of the Prefectural Countermeasures Headquarters to provide information necessary for implementing emergency measures against a novel influenza, etc. within the relevant municipality.
- (5) If the Chief of the Municipal Countermeasures Headquarters finds it necessary for the comprehensive coordination referred to in paragraph (1), they may request the organizations involved in the comprehensive coordination to submit reports or materials on the status of the implementation of emergency measures against the novel influenza, etc. within the relevant municipality.
- (6) The Chief of the Municipal Countermeasures Headquarters may request the

board of education of the relevant prefecture to take necessary measures to the extent necessary to implement emergency measures against a novel influenza, etc. within the relevant municipality.

(7) If the Chief of the Municipal Countermeasures Headquarters finds it necessary for an adequate and prompt implementation of emergency measures against a novel influenza, etc. within the municipality, the Chief may make any necessary requests to the Chief of the Prefectural Countermeasures Headquarters concerning the implementation of emergency measures against a novel influenza, etc. that are in place in the relevant prefecture.

(Application Mutatis Mutandis)

Article 37 The provisions of Articles 25 and 26 apply mutatis mutandis to Municipal Countermeasures Headquarters. In this case, the term "When the Government Countermeasures Headquarters is closed pursuant to the provisions of Article 21, paragraph (1)" in Article 25 is deemed to be replaced with "When a public notice under Article 32, paragraph (5) is issued", the term "prefectural governor" in Article 25 is deemed to be replaced with "mayor of a municipality", the term "Article 22 through Article 25 and in Article 33" in Article 26 is deemed to be replaced with "Article 25 as applied mutatis mutandis pursuant to Articles 34 through 36 and Article 37 following the deemed replacement of terms", and the term "prefectural" in Article 26 is deemed to be replaced with "municipal".

(Request for Support from the Head of Another Local Government)

Article 38 (1) With regard to the application of the provisions of Articles 26-3 through 26-7 to a municipality that is partially or entirely located in an area stated in Article 32, paragraph (1), item (ii) (referred to below as "specified municipality") or to a prefecture to which a specified municipality belongs (referred to below as "specified prefecture"), the term "the head of another local government" in the title preceding Article 26-3 and the term "head of that other local government" in Article 26-5 are deemed to be replaced with "the head of another local government or another authority" and "head of that other local government or that other authority" respectively, the term "a prefectural governor" in Article 26-3, paragraph (1) is deemed to be replaced with "an enforcement authority such as the governor of a specified prefecture prescribed in Article 38, paragraph (1) (referred to below as "governor of a specified prefecture or another authority)", the term "other prefectural governors" in Article 26-3, paragraph (1) is deemed to be replaced with "other prefectural governors or other authorities", the term "the mayor of a municipality" in paragraph (2) of that Article is deemed to be replaced with "an enforcement authority such as the mayor of a specified municipality prescribed in Article 38,

paragraph (1) (referred to below as "mayor of a specified municipality or another authority")", the term "mayors of other municipalities" in the Article 26-3, paragraph (2) is deemed to be replaced with "enforcement authorities such as mayors of other municipalities", the term "prefectural governor or mayor" in Article 26-3, paragraph (3) is deemed to be replaced with "governor of a specified prefecture, mayor of a specified municipality, or another authority", the term ",etc." in that paragraph is deemed to be replaced with "etc. In this case, if the support is provided by a police officer, that police officer is to exercise their authority under the supervision of the public safety commission of the specified prefecture that requested support.", the term "mayor of a municipality" in Articles 26-4 through 26-7 is deemed to be replaced with "mayor of a specified municipality or another authority", the term "from the governor" in Article 26-4 is deemed to be replaced with "from an enforcement authority such as the governor", the term "prefectural governor" in that Article is deemed to be replaced with "prefectural governor or another authority", the term "a municipality" in Article 26-5 is deemed to be replaced with "a specified municipality as specified in Article 38, paragraph (1)", the term "prefectural governor" in Article 26-6, paragraph (1) and Article 26-7 is deemed to be replaced with "governor of a specified prefecture or another authority", the term "or the head of a designated local administrative organ" in Article 26-6, paragraph (1) is deemed to be replaced with "or the head of a designated local administrative organ, or a specified designated public institution (meaning an agency engaged in administrative execution (meaning an agency engaged in administrative execution as specified in Article 2, paragraph (4) of the Act on General Rules for Incorporated Administrative Agencies) that is a designated public institution; the same applies in the following Article)", the term "or the designated local administrative organ" in Article 26-6, paragraph (1) is deemed to be replaced with "or the designated local administrative organ, or of the specified designated public institution)", the term "the governor of the prefecture" in paragraph (2) of that article is deemed to be replaced with "an enforcement authority such as the governor of the prefecture", and the term "the head of a local government, and" in Article 26-7 is deemed to be replaced with "the head of a local government, and a specified designated public institution or".

- (2) When a committee or an Audit Commissioner of a local government that is partially or entirely located within an area stated in Article 32, paragraph (1), item (ii), intends to request a dispatch of officials pursuant to the provisions of Article 26-6, paragraph (1) as applied following the deemed replacement of terms pursuant to the provisions of the preceding paragraph, the committee or the member must consult with the head of the local government in advance.

## Section 2 Measures for the Prevention of Outbreaks

(Requests for Cooperation to Prevent Infections)

Article 45 (1) When the governor of a specified prefecture (referred to below as "governor of a specified prefecture") finds it necessary for preventing the spread of a novel influenza, etc., protecting the lives and health of the people, and avoiding disruptions in the national life and economy during an emergency in response to a novel influenza, etc., the governor may request the residents of the specified prefecture not to leave their homes or other equivalent places without a justifiable reason, except when it is necessary for managing their daily lives, and to cooperate in other ways as necessary to prevent the transmission of the novel influenza, etc. for a period of time and within an area specified by the governor of the specified prefecture based on the incubation period of the novel influenza, etc., the time required to recover from it, and the status of the outbreak of the novel influenza, etc.

(2) When the governor of a specified prefecture (referred to below as "governor of a specified prefecture") finds it necessary for preventing the spread of a novel influenza, etc., protecting the lives and health of the people, and avoiding disruptions in the national life and economy during an emergency in response to a novel influenza, etc., the governor may request a person that manages a facility that is used by a large number of people and is specified by Cabinet Order such as a school, social welfare facility (limited to adult daycare centers or short-term care facilities), or entertainment facility (meaning entertainment facilities provided for in Article 1, paragraph (1) of the Entertainment Facility Act (Act No. 137 of 1948)), or a person that holds events using those facilities specified by Cabinet Order (referred to as "facility manager or user" in the following paragraph and Article 72, paragraph (2)) to restrict or suspend the use of the facility, restrict or suspend events, or take other measures specified by Cabinet Order for a period of time specified by the governor of the specified prefecture based on the incubation period of the novel influenza, etc., the time required to recover from it, and the status of the outbreak of the novel influenza, etc.

(3) When a facility manager or user does not respond to a request made pursuant to the provisions of the preceding paragraph without a justifiable reason, the specified prefectural governor may order the facility manager or user to take measures related to the request only when the governor finds it particularly necessary in consideration of the matters specified by Cabinet Order for the purpose of preventing the spread of a novel influenza, etc., protecting the lives and health of the people, and avoiding disruptions in the national life and

economy.

- (4) When judging whether or not it is necessary to make a request under paragraph (1) or (2) or issue an order under the preceding paragraph, the governor of a specified prefecture must hear the opinions of persons with expert knowledge on infectious diseases and other persons with relevant expertise in advance.
- (5) If the governor of a specified prefecture has made a request pursuant to the provisions of paragraph (2) or an order pursuant to the provisions of paragraph (3), the governor may make that fact public.

Article 46 Deleted

### **Section 3 Measures to Establish a System for Providing Medical Care**

(Ensuring Medical Care)

Article 47 A designated public institution or a designated local public institution that is a hospital or another medical institution, or a manufacturer and distributor of pharmaceuticals, quasi-pharmaceutical products, or cosmetics (meaning a person who has obtained the license prescribed in Article 12, paragraph (1) of the Act on Securing Quality, Efficacy and Safety of Products Including Pharmaceuticals and Medical Devices (limited to licenses for manufacturing and distribution of pharmaceuticals) or the license prescribed in Article 23-2, paragraph (1) or Article 23-20, paragraph (1) of that Act), a manufacturer of pharmaceuticals, quasi-pharmaceutical products, or cosmetics (meaning a person who has obtained the license prescribed in Article 13, paragraph (1) of that Act (limited to licenses for manufacturing of pharmaceuticals), the registration prescribed in Article 23-2-3, paragraph (1) of that Act, or the license prescribed in Article 23-22, paragraph (1) of that Act), or a distributor of pharmaceuticals, quasi-pharmaceutical products, or cosmetics (meaning a person who has obtained the license prescribed in Article 24, paragraph (1) of that Act, the license prescribed in Article 39, paragraph (1) of that Act (limited to licenses for distribution of specially-controlled medical devices provided in the latter paragraph), or the license prescribed in Article 40-5, paragraph (1) of that Act; the same applies in Article 54, paragraph (2)) must take necessary measures to ensure medical care or enable the manufacture or sale of pharmaceuticals, medical devices, or regenerative medical products during an emergency in response to a novel influenza, etc. pursuant to the provisions of their operational plans.

Article 48 Deleted

(Use of Land to Establish Temporary Medical Facilities During an Emergency in Response to a Novel Influenza)

Article 49 If the governor of a specified prefecture finds it necessary to use the land or other resources in order to establish a temporary medical facility during an emergency in response to a novel influenza, etc. and if the owner or possessor of the land or other resources does not give the consent referred to in Article 31-5 without a justifiable reason, or if the consent referred to in that Article cannot be obtained because the owner or possessor of the land or other resources cannot be located, the governor of the specified prefecture may use the land or other resources without obtaining the consent, notwithstanding the provisions of that Article, only when the governor finds it particularly necessary to use the land or other resources in order to establish a temporary medical facility.

#### **Section 4 Measures for Ensuring the Stability of the National Life and Economy**

(Requests for Provision of Supplies and Materials)

Article 50 If the governor of a specified prefecture or the mayor of a specified municipality (referred to below as "mayor of a specified municipality") finds it difficult to implement emergency measures against the novel influenza, etc. adequately and promptly due to a shortage of stockpiled supplies or materials during an emergency in response to a novel influenza, etc., the governor of a specified prefecture may request the head of a designated administrative organ or the head of a designated local administrative organ to take necessary measures to supply necessary supplies or materials, and the mayor of a specified municipality may make the same request to the governor of a specified prefecture.

(Mutual Cooperation in Providing Stockpiled Supplies)

Article 51 The heads or other officials of designated administrative organs must endeavor to cooperate with each other in providing their stockpiled supplies and materials during an emergency in response to a novel influenza, etc.

(Stable Supply of Electricity, Gas, and Water)

Article 52 (1) A designated public institution or a designated local public institution that is an electricity utility (meaning an electricity utility provided for in Article 2, paragraph (1), item (xvii) of the Electricity Business Act (Act No. 170 of 1964)) or a gas utility (meaning a gas utility provided for in Article 2, paragraph (12) of the Gas Business Act (Act No. 51 of 1954)) must take necessary measures to supply electricity and gas in a stable and proper manner

during an emergency in response to a novel influenza, etc. pursuant to the provisions of their operational plans.

- (2) A local government organization or a designated local public institution that is a water utility (meaning a water utility as prescribed in Article 3, paragraph (5) of the Water Supply Act (Act No. 177 of 1957)), a wholesale water utility (meaning a wholesale water utility as prescribed in that paragraph), or an industrial water utility (meaning an industrial water utility as prescribed in Article 2, paragraph (5) of the Industrial Water Supply Business Act (Act No. 84 of 1958)) must take necessary measures to supply water in a stable and proper manner during an emergency in response to a novel influenza, etc. pursuant to the provisions of their operational plans, prefectural action plans, or municipal action plans.

(Securing Transportation, Communications, and Mail Service)

Article 53 (1) A designated public institution or a designated local public institution that is a carrier must take necessary measures to ensure passengers and freight are properly transported pursuant to the provisions of their operational plans during an emergency in response to a novel influenza, etc. pursuant to the provisions of their operational plans.

- (2) A designated public institution or a designated local public institution that is a telecommunications carrier (meaning a telecommunications carrier provided for in Article 2, item (v) of the Telecommunications Business Act (Act No. 86 of 1984)) must take necessary measures to enable communications and prioritize handling communications that are necessary for implementing emergency measures against the novel influenza, etc. during an emergency in response to a novel influenza, etc. pursuant to the provisions of their operational plans.

- (3) A designated public institution or a designated local public institution that is a person engaged in postal services or a general correspondence delivery operator (meaning a general correspondence delivery operator as prescribed in Article 2, paragraph (6) of the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002)) must take necessary measures to enable mail and correspondence delivery during an emergency in response to a novel influenza, etc. pursuant to the provisions of their operational plans.

(Transportation of Emergency Supplies)

Article 54 (1) If the head of a designated administrative organ, the head of a designated local administrative organ, or the governor of a specified prefecture finds it urgently necessary to implement emergency measures against the novel influenza, etc., the head of a designated administrative organ or the head of a designated local administrative organ may request a designated public institution that is a carrier to transport supplies and materials necessary for

implementing emergency measures against the novel influenza, etc. (referred to as "emergency supplies" in paragraph (3)) by indicating the supplies to be transported and the destination and date for transportation, and the governor of a specified prefecture may make the same request to a designated public institution or a designated local public institution that is a carrier.

(2) If the head of a designated administrative organ, the head of a designated local administrative organ, or the governor of a specified prefecture finds it urgently necessary to implement emergency measures against the novel influenza, etc., the head of a designated administrative organ or the head of a designated local administrative organ may request a designated public institution that is distributor of pharmaceuticals, quasi-pharmaceuticals, or cosmetics to transport pharmaceuticals, medical devices or regenerative medical products necessary for implementing emergency measures against the novel influenza, etc. by indicating the pharmaceuticals, medical devices or regenerative medical products to be transported and the destination and date for transportation, and the governor of a specified prefecture may make the same request to a designated public institution or a designated local public institution that is a distributor of pharmaceuticals, quasi-pharmaceutical products, or cosmetics.

(3) If a designated public institution or designated local public institution does not respond to a request made pursuant to the provisions of the preceding two paragraphs without a justifiable reason, and only if the head of a designated administrative organ or the head of a designated local administrative organ, or the governor of a specified prefecture finds it necessary to implement emergency measures against the novel influenza, etc. the head of a designated administrative organ or the head of a designated local administrative organ, or the governor of a specified prefecture may instruct the designated public institution or the designated local public institution to transport emergency supplies or deliver pharmaceuticals, medical devices, or regenerative medical products. In this case, the matters stated in the preceding two paragraphs must be stated in writing.

#### (Requests to Sell Supplies)

Article 55 (1) If the governor of a specified prefecture finds it necessary to implement emergency measures against the novel influenza, etc., the governor may specify supplies that are necessary for implementing emergency measures against the novel influenza, etc. (limited to pharmaceuticals, foods, and other supplies specified by Cabinet Order) and are handled by persons engaged in the business of production, collection, sale, rationing, storage, or transportation (referred to below as "specified supplies"), and may request the owners of those specified supplies to sell them.

- (2) If the owners of specified supplies do not respond to a request under the preceding paragraph without a justifiable reason, the governor of a specified prefecture may expropriate the specified supplies only when the governor finds it particularly necessary to implement emergency measures against the novel influenza, etc.
- (3) When the governor of a specified prefecture finds it urgently necessary for securing specified supplies when implementing emergency measures against the novel influenza, etc., the governor may order a person engaged in the business of production, collection, sale, distribution, storage, or transportation of those specified supplies to store the specified supplies that the person handles.
- (4) If the head of a designated administrative organ or the head of a designated local administrative organ finds it urgently necessary for supporting emergency measures against the novel influenza, etc. implemented by the governor of a specified prefecture, or is requested by the governor of a specified prefecture, the head may independently take the measures pursuant to the provisions of the preceding three paragraphs.

(Special Provisions for Burial and Cremation)

- Article 56 (1) If it becomes difficult to conduct burials or cremations smoothly during an emergency in response to a novel influenza, etc. and the Minister of Health, Labour and Welfare finds it urgently necessary to do so in order to prevent any public health hazards, the Minister may establish special provisions for the procedures prescribed in Article 5 and Article 14 of the Act on Cemetery and Burial Services (Act No. 48 of 1948) for the period specified by the Minister of Health, Labour and Welfare, pursuant to the provisions of Cabinet Order.
- (2) If it is difficult for a person who intends to conduct a burial or cremation to do so, and if a specified prefectural governor finds it urgently necessary to do so in order to prevent any public health hazards, the governor must conduct that burial or cremation as specified by the Minister of Health, Labour and Welfare.
  - (3) When the governor of a specified prefecture finds it necessary for conducting a burial or cremation promptly, the governor may delegate part of the affairs concerning the implementation of the measures stated in the preceding paragraph to the mayor of a specified municipality, pursuant to the provisions of Cabinet Order.

(Protection of the Rights and Interests of Patients with a Novel Influenza)

Article 57 The provisions of Articles 2 through 5 and Article 7 of the Act on Special Measures to Protect the Rights and Interests of Victims of Specified Extraordinary Disasters (Act No. 85 of 1996) apply mutatis mutandis to an

emergency in response to a novel influenza, etc. (only when a novel influenza, etc. is rapidly spreading nationwide and is having serious impact on the national life and economy). In this case, the term "specified extraordinary disaster" in the title of Article 2 of that Act is deemed to be replaced with "emergency in response to a specified novel influenza, etc.", the term "victims of an extraordinary disaster" in paragraph (1) of that Article is deemed to be replaced with "persons affected by the spread of a novel influenza, etc.", the term "ensuring viability of corporations that have become insolvent due to an extraordinary disaster and protecting persons who have difficulty making a proper judgment on whether or not to accept or renounce an inheritance due to that extraordinary disaster" in that paragraph is deemed to be replaced with "ensuring viability of corporations or", the term "resolving private disputes resulting from that extraordinary disaster in a swift and smooth manner or ensuring stable housing for the residents of emergency temporary houses built in response to the extraordinary disaster" in that paragraph is deemed to be replaced with "resolving private disputes resulting from that extraordinary disaster in a swift and smooth manner", the term "as a specified extraordinary disaster" in that paragraph is deemed to be replaced with "as an emergency in response to a specified novel influenza, etc.", the term "on which the specified extraordinary disaster occurred" in that paragraph is deemed to be replaced with "on which the emergency in response to a specified novel influenza, etc. occurred", the term " in that paragraph, Article 3, paragraph (1), Article 4, paragraph (1), Article 5, paragraphs (1) and (5), and Article 7 of that Act is deemed to be replaced with "the day on which an emergency in response to a specified novel influenza, etc. occurred", the term "a specified extraordinary disaster" in Article 2, paragraph (2), Article 4, paragraphs (1) and (2), Article 5, paragraph (1), and Article 7 of that Act is deemed to be replaced with "emergency in response to a specified novel influenza, etc.", and the term "victims of a specified extraordinary disaster" in Article 3, paragraphs (1) and (3) of that Act is deemed to be replaced with "persons affected by the spread of a novel influenza, etc. during an emergency in response to a specified novel influenza, etc."

(Grace Period for Payment of Monetary Debts)

Article 58 (1) If, during an emergency in response to a novel influenza, etc., there is considerable economic stagnation due to a rapid and widespread spread of a novel influenza, etc., and there is an urgent need to maintain economic order in the country and to ensure public welfare and there is not sufficient time to decide to convoke an extraordinary session or to seek an emergency session of the House of Councilors and wait for any necessary measures to be implemented, the Cabinet may enact Cabinet Order in order to

take necessary measures to defer monetary debts (excluding monetary debts arising in connection with labor relationships such as wages and withdrawals from accounts or similar acts in financial institutions such as banks for the payment of those monetary debts) and to extend the duration of a creditor's rights.

(2) The provisions of the Article 109, paragraphs (3) through (7) of the Basic Act on Disaster Management apply *mutatis mutandis* to the case referred to in the preceding paragraph.

(Stabilizing Prices of Daily Necessities)

Article 59 If there is or there is likely to be a steep rise in the prices or a shortage of supplies or services that are essential for the lives of the people, or supplies or services that are important for the national economy during an emergency in response to a novel influenza, etc., the head of a designated administrative organ, the head of a designated local administrative organ, and the head of a local government must take measures based on the provisions of the Act on Emergency Measures Against Acts of Buying Up or Holding Back Sales of Goods Related to Everyday Life (Act No. 48 of 1973), the Act on Emergency Measures for Stabilizing Living Conditions of the Public (Act No. 121 of 1973), the Prices Control Ordinance (Imperial Ordinance No. 118 of 1946), or other laws and regulations, or other suitable measures pursuant to the provisions of a national action plan, prefectural action plan, or municipal action plan.

(Financing for an Emergency in Response to a Novel Influenza)

Article 60 During an emergency in response to a novel influenza, etc., government-affiliated financial institutions or any other equivalent financial institutions specified by Cabinet Order is to endeavor to provide special financing for the emergency in response to a novel influenza, etc., extend the redemption date or period of deferment, convert old loans to new ones, reduce interest rates if necessary, and take other suitable measures based on the actual circumstances.

(Stabilizing Currency and Finances)

Article 61 The Bank of Japan must issue banknotes, carry out currency and monetary control, and take necessary measures to contribute to the maintenance of stability of the financial system by ensuring smooth settlement of funds among banks and other financial institutions during an emergency in response to a novel influenza, etc. pursuant to the provisions of their operational plans.

## Chapter V Financial Measures

### (Compensation for Loss)

- Article 62 (1) When any of the measures under the provisions of Article 29, paragraph (5), Article 31-5, Article 49, or Article 55, paragraph (2), paragraph (3), or paragraph (4) (excluding the part related to paragraph (1) of Article 55) have been taken, the national and prefectural governments must compensate for any loss that would normally arise as a result of those measures.
- (2) The national and prefectural governments must compensate medical personnel who provide medical care and other medical services to patients or suspected patients in response to a request under the provisions of Article 31, paragraphs (1) through (3) or in accordance with instructions under the provisions of paragraph (4) of that Article, for the actual costs in accordance with the standards specified by Cabinet Order.
- (3) The national and prefectural governments must compensate dental practitioners who collect specimens or administer injections in response to a request under the provisions of Article 31-2, paragraph (1) and radiology technicians or other technicians and engineers who administer injections in response to a request under the provisions of Article 31-3, paragraph (1) for the actual costs in accordance with the standards specified by Cabinet Order.
- (4) Procedures necessary for the implementation of the provisions of the preceding three paragraphs are specified by Cabinet Order.

### (Compensation for Damage)

- Article 63 (1) If medical personnel who provide medical care to patients or suspected patients in response to a request under the provisions of Article 31, paragraph (1) or in accordance with instructions under the provisions of paragraph (4) of that Article die, are injured, fall ill, or become disabled, the prefectural government must, pursuant to the provisions of Cabinet Order, compensate for any damage that the medical personnel or their surviving family members or dependents suffer due to that death, injury, illness, or disability.
- (2) Procedures necessary for the implementation of the provisions of the preceding paragraph are specified by Cabinet Order.

### (Support for Businesses)

- Article 63-2 (1) In order to mitigate the impact of a novel influenza, etc. and measures to prevent the spread of a novel influenza, etc. on the way business operators operate their businesses and on the lives of the people, and to ensure a stable national life and economy, the national and local governments are to take necessary financial and other measures in an effective manner to support

business operators that have been affected.

- (2) In order to establish a system for providing medical care in case of an outbreak of a novel influenza, etc., the national and local governments are to take necessary measures such as providing support to hospitals and other medical institutions and to medical personnel that are to cooperate in implementing countermeasures against a novel influenza, etc.

(Special Provisions for Transfer of Pharmaceuticals)

Article 64 When the Minister of Health, Labour and Welfare finds it necessary for the purpose of preventing the spread of a novel influenza, etc. and avoiding disruptions in the national life and economy, the Minister may, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, transfer, lend, or allow the use of pharmaceuticals, medical devices, personal protective equipment, and other supplies and materials necessary for the implementation of countermeasures against a novel influenza, etc. at no cost or at a price lower than their market value.

(Payment of Expenses Related to Emergency Measures Against a Novel Influenza)

Article 65 Unless otherwise provided for by laws and regulations, the expenses related to intensive measures for prevention of the spread of a novel influenza, etc., emergency countermeasures against the novel influenza, etc., and other measures implemented pursuant to the provisions of this Act are paid by the person responsible for the implementation of those measures.

(Payment of Expenses When the Governor of a Specified Prefecture Has Taken Measures on Behalf of the Mayor of a Specified Municipality)

Article 66 Notwithstanding the provisions of the preceding Article or Article 57 or Article 58 of the Infectious Diseases Control Law (including as applied pursuant to the provisions of Article 64, paragraph (1) of the Infectious Diseases Control Law following the deemed replacement of terms; the same applies in paragraph (1) of the following Article), if the governor of a specified prefecture has implemented specified countermeasures against a novel influenza, etc. on behalf of a specified municipality pursuant to the provisions of Article 26-2, paragraph (2), the usual expenses related to specified countermeasures against a novel influenza, etc. implemented by the head of that specified municipality before the specified municipality became unable to conduct all or the majority of its affairs, which the specified municipality is unable to cover are paid by the specified prefecture to which the specified municipality belongs.

(Payment of Expenses Related to Support Provided by the Heads of Other Local Governments)

Article 67 (1) The prefecture of the prefectural governor or another authority that has received support from the head of another local government pursuant to the provisions of Article 26-3, paragraph (1) or paragraph (2), or Article 26-4 (including as applied pursuant to the provisions of Article 38, paragraph (1) following the deemed replacement of terms), or the municipality of the mayor of a municipality or another enforcement authority who has received that support (referred to as "mayor of the municipality, etc." in the following paragraph) must pay the expenses of the support, notwithstanding the provisions of Article 65 of this Act or Article 57 or Article 58 of the Infectious Diseases Control Law.

(2) In the case referred to in the preceding paragraph, if the prefecture of the prefectural governor or another authority that has received the support or the municipality of the mayor of the municipality, etc. that has received the support does not have sufficient time to pay the expenses, that prefecture or municipality may request the local government to which the head of another official of the local government that has provided the support belongs to temporarily pay the expenses on its behalf.

(Payment of Expenses When the Mayor of a Municipality Conducts Part of the Affairs Related to the Implementation of Measures by the Prefectural Governor)

Article 68 (1) When the prefectural governor has decided, pursuant to the provisions of Article 31-4, paragraph (2) or Article 56, paragraph (3), that part of the affairs related to the implementation of measures under the governor's authority are to be conducted by the mayor of a municipality, the prefecture must pay the expenses related to the implementation of those measures by the mayor of a municipality.

(2) When a prefectural governor has decided, pursuant to the provisions of Article 31-4, paragraph (2) or Article 56, paragraph (3), that part of the affairs related to the implementation of measures under the governor's authority are to be conducted by the mayor of a municipality, or when a prefecture does not have sufficient time to pay the expenses related to the implementation of those measures, the prefectural governor may have the municipality temporarily pay the expenses related to the implementation of those measures on their behalf.

(Expenses Borne by the National Government)

Article 69 Regarding the expenses of the measures that are prescribed in Article 31-4, paragraph (1), Article 56, paragraph (2), Article 62, paragraphs (1) through (3), and Article 63, paragraph (1) and that are paid by prefectures

pursuant to the provisions of Article 65, the national government is to cover the amounts specified in the following items pursuant to the provisions of Cabinet Order according to the cases stated in each of those items:

- (i) if the total amount of the expenses is not more than an amount equivalent to 2 percent of the prefecture's standard tax revenue (meaning the standard tax revenue prescribed in Article 2, paragraph (4) of the Act on National Treasury's Sharing of Expenses for Project to Recover Public Civil Engineering Works Damaged by Disaster (Act No. 97 of 1951); the same applies in the following item and the items of paragraph (2) of the following Article) in the fiscal year preceding the fiscal year in which the prefecture pays the expenses (referred to as "previous fiscal year" in the following items): an amount equivalent to 50 percent of the total amount of the expenses;
- (ii) if the total amount of the expenses exceeds the amount equivalent to two percent of the prefecture's standard tax revenue in the previous fiscal year: the sum of the amounts stated in (a) through (c):
  - (a) the amount equivalent to 50 percent of a portion of the total amount of the expenses equivalent to 2 percent of the prefecture's standard tax revenue in the previous fiscal year;
  - (b) the amount equivalent to 80 percent of the part of the total amount of the expenses that exceeds 2 percent but is not more than 4 percent of the prefecture's standard tax revenue in the previous fiscal year; and
  - (c) the amount equivalent to 90 percent of the portion of the total amount of the expenses that exceeds 4 percent of the prefecture's standard tax revenue in the previous fiscal year.

(Provision of Special Grants)

Article 69-2 (1) The national government is to give grants for the following expenses that are related to countermeasures against a novel influenza, etc., and are partially borne by a prefecture or municipality, in order to reduce the burden on that prefecture or municipality:

- (i) expenses prescribed in the preceding Article; and
  - (ii) expenses provided for in Article 36-12, Article 61, paragraph (2) or (3), or Article 62, paragraph (1) or (3) of the Infectious Diseases Control Law.
- (2) The total amount of grants to be given by the national government pursuant to the provisions of the preceding paragraph for each prefecture or municipality (referred to as "amount of special grants" in the following paragraph and paragraph (4)) is the sum of the amounts calculated by dividing the sum of the amounts covered by the relevant prefecture or municipality for each of the expenses that are stated in the items of the preceding paragraph and calculated pursuant to the provisions of Cabinet Order into the amounts

specified in the following items, and multiplying those amounts by the rates specified in each of those items in order:

- (i) for the amount equivalent to 3 percent of the standard tax revenue of the prefecture or municipality (1.5 percent for the municipality) in the fiscal year preceding the fiscal year in which the prefecture or municipality bears the expenses stated in the items of the preceding paragraph, 65 percent; or
  - (ii) for the amount equivalent to the amount exceeding 3 percent of the standard tax revenue of the prefecture or municipality (1.5 percent for the municipality) prescribed in the preceding item, 85 percent.
- (3) Pursuant to the provisions of Cabinet Order, the amount of special grants is to be divided and granted for each of the expenses stated in the items of paragraph (1) according to the amount of each expense borne by the prefecture or municipality. In this case, the subsidies for the expenses stated in the items of that paragraph are deemed to be contributions, subsidies, or grants pursuant to the provisions of this Act or the Infectious Diseases Control Law (including orders based on these Acts; the same applies below in this paragraph), and the provisions of this Act or the Infectious Diseases Control Law apply.
- (4) The timing of delivering the amount of a special grant and other necessary matters related to giving the grants stated in paragraph (1) are specified by Cabinet Order.

#### (Financial Measures by the National Government)

- Article 70 (1) Beyond what is provided for in the preceding two Articles, the national government is to take necessary financial measures for expenses to be paid by local governments for implementing vaccinations and other expenses related to handling an emergency in response to a novel influenza, etc.
- (2) Beyond what is provided for in the preceding two Articles and the preceding paragraph, the national government is to take necessary financial measures such as giving subsidies or grants, and take other necessary measures to support the policies adopted by local governments in relation to countermeasures against a novel influenza, etc.

#### (Special Provisions for Issuing Bonds)

- Article 70-2 (1) Notwithstanding the provisions of Article 5 of the Local Government Finance Act (Act No. 109 of 1948), local governments provided for by Cabinet Order may issue local government bonds as financial resources for the usual expenses related to measures specified by Order of the Ministry of Health, Labour and Welfare that are implemented to protect the lives and health of the people and minimize the impact on the national life and economy during an outbreak of a novel influenza, etc., which are expenses borne by local

governments, but only in the fiscal year that includes the period from the time when the Government Countermeasures Headquarters is established pursuant to the provisions of Article 15, paragraph (1) until the time when the Government Countermeasures Headquarters is closed pursuant to the provisions of Article 21, paragraph (1).

- (2) Insofar as its financial situation allows, the State is to accept local government bonds provided for in the preceding paragraph using fiscal loan funds.
- (3) When the relevant local government bonds have been accepted with fiscal loan funds, the fixed interest rate, method of redemption, and other necessary matters relating to local government bonds provided for under paragraph (1) are prescribed by Cabinet Order.

## **Chapter V-2 Council for the Promotion of Countermeasures Against Novel Influenza**

(Establishment)

Article 70-2-2 In order to promote countermeasures against a novel influenza, etc., the Council for the Promotion of Countermeasures against Novel Influenza, etc. (referred to below as "Council") is established in the Cabinet.

(Affairs Under the Council's Jurisdiction)

Article 70-3 The council takes charge of the following affairs:

- (i) stating its opinions for the Prime Minister or the Chief of the Government Countermeasures Headquarters pursuant to the provisions of Article 6, paragraph (5) or Article 18, paragraph (4); and
- (ii) beyond what is stated in the preceding item, studying and deliberating on countermeasures against a novel influenza, etc., and when it is deemed necessary, stating its opinions for the Prime Minister or the Chief of the Government Countermeasures Headquarters.

(Organization)

Article 70-4 The Council is composed of 35 members or less.

(Members)

Article 70-5 (1) Council members are appointed by the Prime Minister from among persons with extensive knowledge on infectious diseases or other persons with relevant expertise.

- (2) Council members serve on a part-time basis.

(Chairperson)

Article 70-6 (1) The Council has a chairperson, who is elected from among the Council members.

(2) The chairperson presides over the affairs of the Council.

(3) If the chairperson is not available, a member designated in advance by the chairperson performs the duties of the chairperson on their behalf.

(Affairs)

Article 70-7 Affairs concerning the Council are handled by the Cabinet Agency for Infectious Disease Crisis Management.

(Competent Minister)

Article 70-8 The competent minister as prescribed in the Cabinet Act for the matters of the Council is the Prime Minister.

(Submission of Materials and Other Forms of Cooperation)

Article 70-9 (1) If the Council finds it necessary for conducting the affairs under its jurisdiction, it may request the head of the relevant administrative organ to submit materials, express opinions, give explanations, or cooperate in other ways.

(2) If the Council finds it particularly necessary for conducting the affairs under its jurisdiction, it may request persons other than those prescribed in the preceding paragraph to cooperate as necessary.

(Matters to Be Specified by Cabinet Order)

Article 70-10 Beyond what is provided for in this Act, necessary matters concerning the Council are specified by Cabinet Order.

## **Chapter VI Miscellaneous Provisions**

(Serving Requisition Orders)

Article 71 (1) With regard to the dispositions pursuant to the provisions of Article 29, paragraph (5), Article 49, and Article 55, paragraphs (2), (3), and (4) (excluding parts related to paragraph (1) of that Article), the chief of a designated quarantine station, the governor of a specified prefecture, the head of a designated administrative organ, and the head of a designated local administrative organ must serve a requisition order for each of those dispositions pursuant to the provisions of Cabinet Order; provided, however, that if the recipient who is to be served with a requisition order cannot be located when the land is to be used or in other cases specified by Cabinet Order, it is sufficient to serve the requisition order subsequently pursuant to the provisions of Cabinet Order.

(2) The provisions of Article 81, paragraphs (2) and (3) of the Basic Act on Disaster Management apply mutatis mutandis to the case referred to in the preceding paragraph.

(On-Site Inspections)

Article 72 (1) To the extent necessary for the enforcement of the provisions of Article 31-8, paragraph (3), a prefectural governor may request a person who has received a request under the provisions of paragraph (1) of that Article to make any necessary reports, or have prefectural officials enter the place of business, offices, or other business premises of that person, inspect the status of the operations or books, documents, or other items, or question the relevant persons.

(2) To the extent necessary for the enforcement of the provisions of Article 45, paragraph (3), a prefectural governor may request the facility manager or user who has received a request under the provisions of paragraph (2) of that Article to make any necessary reports, or have their officials enter the facility related to the request or enter the place of business, offices, or other business premises of that facility manager or user, inspect the status of the operations or books, documents, and other items, or questions the relevant persons.

(3) When it is necessary for the purpose of using the land or other resources pursuant to the provisions of Article 31-5 or Article 49, expropriating specified supplies pursuant to the provisions of Article 55, paragraph (2) or paragraph (4), or issuing an order to store specified supplies pursuant to the provisions of paragraph (3) or paragraph (4) of Article 55, a prefectural governor, the head of a designated administrative organ, or the head of a designated local administrative organ may have their officials enter the relevant land or house, the place where the relevant supplies or the relevant specified supplies are located, or the place where the relevant specified supplies are stored, and inspect the status of the relevant land, house, supplies, or specified supplies.

(4) When a prefectural governor, the head of a designated administrative organ, or the head of a designated local administrative organ has had specified supplies stored pursuant to the provisions of Article 55, paragraph (3) or paragraph (4), the governor or head may request the person who ordered the storage to make any necessary reports, or have prefectural officials, officials of the designated administrative organ, or officials of the designated local administrative organ enter the site where the specified supplies are stored and inspect the status of the storage of the specified supplies.

(5) When an official of a prefecture, a designated administrative organ, or a designated local administrative organ enters a site pursuant to the provisions of the preceding paragraphs, the official must notify the manager of the site of their intention in advance.

(6) In the case referred to in the preceding paragraph, the officials must carry an identification card and present it to the relevant persons.

(7) The authority to conduct an on-site inspection under the provisions of paragraphs (1) through (4) must not be construed as being granted for criminal investigation purposes.

(Application of This Act to Special Wards)

Article 73 With regard to the application of this Act (excluding Article 31-4, paragraph (7)), a special ward is deemed to be a city.

(Classification of Affairs to Be Handled)

Article 74 The affairs to be handled by local governments pursuant to the provisions of this Act (excluding those to be handled by the prefectural police) are to be the Type 1 statutory entrusted functions prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act.

(Matters to Be Specified by Cabinet Order)

Article 75 Beyond what is provided for in this Act, procedures for the implementation of this Act and other necessary matters concerning the enforcement of this Act are specified by Cabinet Order.

## **Chapter VII Penal Provisions**

Article 76 If a person has concealed, damaged, disposed of, or moved specified supplies without complying with an order of the governor of a specified prefecture under Article 55, paragraph (3) or an order of the head of a designated administrative organ or the head of a designated local administrative organ under paragraph (4) of that Article, the person who has committed the violation is subject to imprisonment for not more than six months or a fine of not more than 300,000 yen.

Article 77 If a person has refused, obstructed, or evaded an on-site inspection under the provisions of Article 72, paragraph (3) or (4), or has failed to make a report under the provisions of that paragraph, or has made a false report, the person who has committed the violation is punished by a fine of not more than 300,000 yen.

Article 78 If the representative of a corporation or the agent, employee, or any other worker of a corporation or of an individual commits a violation referred to in any of the preceding two Articles in connection with the operations of that corporation or individual, the fine referred to in the relevant Article is imposed

both on the offender that is subject to punishment as well as on the corporation or individual.

Article 79 If an order under the provisions of Article 45, paragraph (3) is violated, the person who has committed the violation is subject to a civil fine of not more than 300,000 yen.

Article 80 If a person falls under any of the following items, the person committing the violation is subject to a civil fine of not more than 200,000 yen:

(i) if the person has violated an order under the provisions of Article 31-8, paragraph (3); or

(ii) if a person has failed to make a report under the provisions of Article 72, paragraph (1) or (2) or has made a false report, or has refused, obstructed, or evaded an on-site inspection under those provisions, or has failed to answer or has given a false answer to a question under those provisions.