

# Health Promotion Act

(Act No. 103 of August 2, 2002)

## Chapter I General Provisions

### (Purpose)

Article 1 The purpose of this Act is to prescribe the basic particulars involved in comprehensively advancing the people's improvement of their health, as well as to implement measures that are meant to enable the people to improve their nutrition and make other such improvements in their health, given that the importance of the people's improvement of their health has significantly increased alongside rapid progress in the aging of the population and changes in the country's disease patterns.

### (Responsibilities of the People)

Article 2 The people must endeavor to deepen their interest in and understanding of the importance of healthy lifestyles, and to both be aware of the state of their own health and improve their health throughout the course of their lives.

### (Responsibilities of the National and Local Governments)

Article 3 The national and local governments must endeavor to spread correct knowledge about promoting health through educational and publicity activities; to collect, organize, analyze, and provide information on promoting health; and to develop and improve the quality of personnel engaged in advancing research and promoting health; as well as endeavoring to provide persons implementing health promotion projects and other relevant persons with the necessary technical assistance.

### (Responsibilities of Persons Implementing Health Promotion Projects)

Article 4 A person implementing a health promotion project must endeavor to actively advance health education, health counseling, or any other undertaking that the people need in order to improve their health (hereinafter referred to as a "health promotion project").

### (Cooperation by the Relevant Persons)

Article 5 The national government, prefectures, municipalities (including special wards; the same applies hereinafter), persons implementing health promotion projects, medical institutions, and other relevant persons must endeavor to

cooperate and coordinate with one another to comprehensively advance the people's improvement of their health.

(Definitions)

Article 6 The term "person implementing a health promotion project" as used in this Act means the following:

- (i) the Japan Health Insurance Association, a health insurance society, or federation of health insurance societies, in its capacity carrying out a health promotion project pursuant to the provisions of the Health Insurance Act (Act No. 70 of 1922);
- (ii) the Japan Health Insurance Association, in its capacity carrying out a health promotion project pursuant to the provisions of the Seaman's Insurance Act (Act No. 73 of 1939);
- (iii) a municipality, national health insurance society, or federation of national health insurance associations, in its capacity carrying out a health promotion project pursuant to the provisions of the National Health Insurance Act (Act No. 192 of 1958);
- (iv) a national public service officers mutual aid association or the Federation of National Public Service Officers Mutual Aid Associations, in its capacity carrying out a health promotion project pursuant to the provisions of the National Public Officers Mutual Aid Association Act (Act No. 128 of 1958);
- (v) a local public service mutual aid association or the National Federation of Mutual Aid Associations for Municipal Personnel, in its capacity carrying out a health promotion project pursuant to the provisions of the Local Public Service Mutual Aid Association Act (Act No. 152 of 1962);
- (vi) the Promotion and Mutual Aid Corporation for Private Schools of Japan, in its capacity carrying out a health promotion project pursuant to the provisions of the Private School Personnel Mutual Aid Association Act (Act No. 245 of 1953);
- (vii) a person carrying out a health promotion project pursuant to the provisions of the School Health and Safety Act (Act No. 56 of 1958);
- (viii) a municipality carrying out a health promotion project pursuant to the provisions of the Maternal and Child Health Act (Act No. 141 of 1965);
- (ix) an employer carrying out a health promotion project pursuant to the provisions of the Industrial Safety and Health Act (Act No. 57 of 1972);
- (x) the Japan Health Insurance Association, a health insurance society, municipality, national health insurance society, mutual aid association, the Promotion and Mutual Aid Corporation for Private Schools of Japan, or the Association of Medical Care Services for Older Senior Citizens, in its capacity carrying out a health promotion project pursuant to the provisions of the Act on Assurance of Medical Care for Elderly People (Act No. 80 of 1982);

- (xi) a municipality carrying out a health promotion project pursuant to the provisions of the Long-Term Care Insurance Act (Act No. 123 of 1997);
- (xii) a municipality carrying out a health promotion project pursuant to the provisions of this Act;
- (xiii) any other person that carries out a health promotion project and that is provided for by Cabinet Order.

## **Chapter II Basic Policy; Related Matters**

(Basic Policy)

Article 7 (1) The Minister of Health, Labour and Welfare is to establish a basic policy for comprehensively advancing the people's improvement of their health (hereinafter referred to as the "basic policy").

(2) The basic policy is to establish the following:

- (i) the basic direction for advancing the people's improvement of their health;
- (ii) the particulars of targets for the people's improvement of their health;
- (iii) basic particulars related to the formulation of the prefectural health promotion plan under paragraph (1) and the municipal health promotion plan under paragraph (2) of the following Article;
- (iv) basic particulars related to the national health and nutrition surveys under Article 10, paragraph (1) and other surveys and research related to health promotion;
- (v) basic particulars related to collaboration and cooperation among person implementing a health promotion project;
- (vi) the particulars involved in spreading correct knowledge about dietary habits, exercise, rest, drinking alcohol, smoking, maintenance of dental health, and other life habits;
- (vii) other important particulars related to advancing the people's improvement of their health.

(3) Before formulating or modifying the basic policy, the Minister of Health, Labour and Welfare is to first consult with the head of the relevant administrative organ.

(4) Having formulated or modified the basic policy, the Minister of Health, Labour and Welfare is to make it public without delay.

(Prefectural Health Promotion Plans; Related Matters)

Article 8 (1) A prefecture is to establish a basic plan for measures to advance prefectural residents' improvement of their health (hereinafter referred to as the "prefectural health promotion plan") while taking into consideration the basic policy.

(2) A municipality is to endeavor to establish a plan for measures to advance

municipal residents' improvement of their health (hereinafter referred to as the "municipal health promotion plan") while taking into consideration the basic policy and the prefectural health promotion plan.

- (3) The national government may provide a prefecture or municipality that carries out a project that its residents need in order to improve their health based on the prefectural health promotion plan or the municipal health promotion plan with a subsidy for a part of the costs required for that project, within the scope of the budget.

(Guidelines for Implementing Health Checkups and Taking Related Measures)

Article 9 (1) The Minister of Health, Labour and Welfare is to establish guidelines for implementing health checkups and taking related measures (hereinafter referred to as the "health checkup guidelines") directed at persons implementing health promotion projects, concerning implementing health checkups, notifying people of the results, issuing health handbooks (meaning handbooks giving information that people need to manage their own health), and taking other such measures, in order to advance the people's voluntary efforts to improve their health throughout the course of their lives.

- (2) Before establishing or modifying the health checkup guidelines, the Minister of Health, Labour and Welfare is to first consult with the Minister of Internal Affairs and Communications, the Minister of Finance, and the Minister of Education, Culture, Sports, Science and Technology.

- (3) Having established or modified the health checkup guidelines, the Minister of Health, Labour and Welfare is to make them public without delay.

### **Chapter III National Health and Nutrition Surveys; Related Matters**

(Implementing National Health and Nutrition Surveys)

Article 10 (1) The Minister of Health, Labour and Welfare is to carry out national health and nutrition surveys as foundational information for comprehensively advancing the people's improvement of their health, in order to clarify the physical conditions, nutrient intake, and lifestyle conditions of the people.

- (2) The Minister of Health, Labour and Welfare may have the National Institute of Biomedical Innovation, Health and Nutrition (hereinafter referred to as "the Institute") carry out all or a part of the tabulation and other functions that Cabinet Order prescribes among those that are related to implementing the national health and nutrition survey.

- (3) A prefectural governor (or the mayor of the city or the ward, for a city that has a health center or for a special ward; the same applies hereinafter) carries out the functions related to conducting national health and nutrition surveys

within the jurisdictional district.

(Surveyed Households)

Article 11 (1) The subjects of a national health and nutrition survey are selected every year pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, by the Minister of Health, Labour and Welfare establishing the survey area and the prefectural governor designating survey households in that area.

(2) A person belonging to a survey household designated pursuant to the provisions of the preceding paragraph must cooperate with the implementation of the national health and nutrition survey.

(National Health and Nutrition Surveyors)

Article 12 (1) If it is necessary to do so in order to implement a national health and nutrition survey that the prefectural governor is carrying out, the governor may appoint national health and nutrition surveyors.

(2) Beyond what is provided in the preceding paragraph, Order of the Ministry of Health, Labour and Welfare prescribes the necessary particulars related to national health and nutrition surveyors.

(Costs Borne by the National Government)

Article 13 The national government bears costs required for national health and nutrition surveys.

(Restrictions on the Use of Questionnaires)

Article 14 Questionnaires collected for a national health and nutrition survey may not be used other than for a survey purpose prescribed in Article 10, paragraph (1).

(Delegation to Ministerial Order)

Article 15 Beyond what is provided for in Article 10 through the preceding Article, Order of the Ministry of Health, Labour and Welfare prescribes the survey method for national health and nutrition surveys, survey topics, and other necessary particulars connected with the implementation of national health and nutrition surveys.

(Assessing the Conditions in Which Lifestyle Diseases Occur)

Article 16 In order to clarify the correlation between the lifestyles of the people and cancer, cardiovascular disease, and other lifestyle diseases specified by Cabinet Order (hereinafter any one of these is simply referred to as a "lifestyle disease"), the national and local governments must endeavor to assess the

conditions in which lifestyle diseases occur as foundational information for comprehensively advancing the people's improvement of their health.

(Dietary Reference Intakes)

Article 16-2 (1) In order to facilitate the people's self-initiated efforts to improve their nutritional intake throughout the course of their lives, the Minister of Health, Labour and Welfare is to analyze the results of national health and nutrition surveys and other such surveys and research on health maintenance and improvement, and is to establish standards for nutritional intake from food (hereinafter referred to as "dietary reference intakes" in this Article) based on the result of the analysis.

(2) The following particulars are to be established in the dietary reference intakes:

(i) the particulars of the number of calories which it is advisable for people to get, from the perspective of maintaining and improving their health;

(ii) the particulars of the amounts of the following nutrients which it is advisable for people to get, from the perspective of maintaining and improving their health:

(a) nutrients prescribed by Order of the Ministry of Health, Labour and Welfare as those in which, judging from the extent of the people's nutritional intake, the people have a nutritional deficiency that is interfering with the maintenance and improvement of their health;

(b) nutrients prescribed by Order of the Ministry of Health, Labour and Welfare as those of which, judging from the extent of the people's nutritional intake, the people have an excessive intake that is interfering with the maintenance and improvement of their health.

(3) Having established or modified the dietary reference intakes, the Minister of Health, Labour and Welfare is to make them public without delay.

#### **Chapter IV Health Guidance; Related Matters**

(Implementation of Lifestyle Consultations by the Municipalities)

Article 17 (1) In order to promote the health of the residents, a municipality is to have physicians, dentists, pharmacists, public health nurses, midwives, nurses, assistant nurses, registered dietitians, dietitians, dental hygienists, and other such personnel provide consultations to residents on matters related to nutritional improvements and other such lifestyle improvements, provide residents with the necessary nutritional guidance and other public health guidance, and carry out operations incidental thereto.

(2) A municipality may entrust a hospital or clinic as set forth in the items of Article 63, paragraph (3) of the Health Insurance Act or any other person that

is found to be appropriate with implementing a part of the operations prescribed in the preceding paragraph.

(Implementation of Specialized Nutritional Guidance and Other Public Health Guidance by the Prefectures)

Article 18 (1) Prefectures, cities that have health centers, and special wards are to carry out the following operations:

- (i) providing the nutritional guidance and other such public health guidance that is needed to enable residents to improve their health and that requires specialized knowledge and skills;
- (ii) providing the necessary guidance and advice on implementing nutritional management to food service facilities that provide meals to a large number of specific people on a continuous basis;
- (iii) carrying out operations incidental to the operations referred to in the preceding two items.

(2) A prefecture is to undertake communication and coordination among the municipalities in connection with the implementation of the operations which the municipalities carry out pursuant to paragraph (1) of the preceding Article, and, if asked to do so by the municipality, is to cooperate on technical matters through a prefecturally established health center and provide the municipality with other necessary assistance.

(Nutrition Counselors)

Article 19 A prefectural governor is to appoint nutrition counselors from among officials of the prefecture, cities that have health centers, and special wards who are qualified physicians and registered dietitians, as persons who will carry out the operations provided for in paragraph (1) of the preceding Article (but only those involving nutritional guidance, for the operations set forth in items (i) and (iii) of that paragraph).

(Implementation of Health Promotion Projects by the Municipalities)

Article 19-2 A municipality is to endeavor to implement health promotion projects that do not constitute projects related to the operations provided for in Article 17, paragraph (1), and that are prescribed by Order of the Ministry of Health, Labour and Welfare.

(Implementation of Technical Assistance for Health Promotion Projects by the Prefectures)

Article 19-3 A prefecture is to undertake communication and coordination among the municipalities in connection with the implementation of the operations which those municipalities carry out pursuant to the provisions of the

preceding Article, and, if asked to do so by the municipality, is to cooperate on technical matters through a prefecturally established health center and provide the municipality with other necessary assistance.

(Collection of Reports)

Article 19-4 On finding it to be necessary to do so, the Minister of Health, Labour and Welfare or a prefectural governor may request a municipality to report on the implementation status of a project provided for in Article 17, paragraph (1) and those provided for in Article 19-2.

## **Chapter V Specified Food Service Facilities**

(Filing Notifications for Specified Food Service Facilities)

Article 20 (1) A person that has established a specified food service facility (meaning a food service facility that provides meals to a large number of specific people on a continuous basis and that is prescribed by Order of the Ministry of Health, Labour and Welfare as one at which nutritional management is necessary; the same applies hereinafter) must file a notification with the governor of the prefecture where the facility is located of the particulars prescribed by Order of the Ministry of Health, Labour and Welfare within one month after the date of commencement of those services.

(2) If a particular prescribed by Order of the Ministry of Health, Labour and Welfare changes, a person that has filed a notification under the provisions of the preceding paragraph must file a notification of this with the relevant prefectural governor within one month after the date of the change. The same applies if that person suspends or discontinues its services.

(Nutritional Management at Specified Food Service Facilities)

Article 21 (1) A person that has in place a specified food service facility that a prefectural governor has designated pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare as one at which special nutritional management is necessary must assign a registered dietitian to that facility.

(2) A person that has in place a specified food service facility other than one as prescribed in the preceding paragraph must endeavor to assign a dietitian or registered dietician to that facility, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(3) Beyond what is provided for in the preceding two paragraphs, a person that has in place a specified food service facility must carry out appropriate nutritional management in accordance with the standards prescribed by Order of the Ministry of Health, Labour and Welfare.



(Providing Guidance and Advice)

Article 22 On finding that it is necessary to do so in order to ensure the implementation of nutritional management under the provisions of paragraph (1) or (3) of the preceding Article, a prefectural governor may provide a person that has in place a specified food service facility with the necessary guidance and advice regarding the implementation of nutritional management.

(Issuing Recommendations and Orders)

Article 23 (1) If any person that has in place a specified food service facilities fails to appoint a registered dietitian in violation of the provisions of Article 21, paragraph (1), fails to carry out appropriate nutritional management in violation of the provisions of paragraph (3) of that Article, or fails to carry out the nutritional management referred to in the preceding Article without a legitimate reason for failing to do so, the prefectural governor may issue a recommendation for that person to appoint a registered dietitian or to carry out appropriate nutritional management.

(2) If a person that has in place a specified food service facility and that has been issued a recommendation as prescribed in the preceding paragraph fails to take the recommended measures without a legitimate reason for failing to do so, the prefectural governor may order that person to take the recommended measures.

(On-Site Inspections)

Article 24 (1) On finding it to be necessary to do so in order to ensure the implementation of the nutritional management under the provisions of Article 21, paragraph (1) or (3), a prefectural governor may have a person that has in place or manages a specified food service facility report on its operations, and may have nutrition counselors enter facility to inspect its operational status and its books, documents, and other articles and to question the relevant persons.

(2) A nutrition counselor conducting an on-site inspection or questioning pursuant to the provisions of the preceding paragraph must carry identification and present it to the relevant persons.

(3) The authority under the provisions of paragraph (1) must not be construed as having been granted for the purpose of a criminal investigation.

## **Chapter VI Prevention of Passive Smoking**

### **Section 1 General Provisions**

(Responsibilities of the National and Local Governments)

Article 25 The national and local governments must endeavor to spread knowledge about passive smoking, raise public awareness about its prevention,

make the necessary environmental arrangements to prevent it, and comprehensively and effectively advance other such measures to prevent it, so that no unwanted exposure to passive smoke occurs.

(Cooperation by the Relevant Persons)

Article 26 The national government, prefectures, municipalities, managing authorities of facilities used by a large number of people (inclusive of the sites of those facilities; hereinafter the same applies in this Chapter) and of commercial means of passenger transportation (meaning persons holding the right to manage facilities or commercial means of passenger transportation; hereinafter the same applies in this Chapter), and other relevant persons must endeavor to cooperate and coordinate with one another to comprehensively and effectively advance measures to prevent passive smoking, so that no unwanted exposure to passive smoke occurs.

(Obligation to Consider One's Surroundings When Smoking; Related Matters)

Article 27 (1) Every person must consider their surroundings when smoking in a place other than the no smoking area as provided in Article 29, paragraph (1) of a specified facility or commercial means of passenger transportation (hereinafter referred to as "specified facility or equivalent place" in this Chapter) so that this will not cause unwanted exposure to passive smoke.  
(2) When seeking to designate an area in which people are permitted to smoke, a managing authority of a specified facility or equivalent place must make considerations to make this an area where it will not cause unwanted exposure to passive smoke.

(Definitions)

Article 28 In this Chapter, the meanings of the terms set forth in the following items are as prescribed respectively in those items:

- (i) the term "tobacco" means manufactured tobacco as set forth in Article 2, item (iii) of the Tobacco Business Act (Act No. 68 of 1984) that used for smoking as provided in that item, or a manufactured tobacco substitute as provided in Article 38, paragraph (2) of that Act;
- (ii) the terms "smoking" and "to smoke" mean a person's lighting or heating tobacco and thereby causing it to generate smoke (including vapor; the same applies in the following item and the following Chapter) in order to inhale it;
- (iii) the terms "passive smoking" and "exposure to passive smoke" mean a person's being exposed to the smoke that has been generated by tobacco due to another person's smoking;
- (iv) the term "specified facility" means a type I facility, type II facility, or facility for smokers;

- (v) the term "type I facility" means a facility as follows that a large number of people use:
  - (a) a school, hospital, child welfare facility, or any other facility prescribed by Cabinet Order as one whose main users are persons whose health is highly likely to be impaired by passive smoking;
  - (b) the government building of an administrative organ of the national or local government (limited to a facility that an administrative organ uses to handle its administrative functions);
- (vi) the term "type II facility" means a facility used by a large number of people, other than a type I facility or facility for smokers;
- (vii) the term "facility for smokers" means a facility used by a large number of people that meets the requirements prescribed by Cabinet Order as a facility whose main purpose is to provide a place to smoke to people who use it;
- (viii) the term "commercial means of passenger transportation" means a motor vehicle used in commercial passenger transportation; an aircraft used in commercial passenger transportation; a railway, cableway, or tramway car used in commercial passenger transportation; or a vessel used in commercial passenger transportation;
- (ix) the term "motor vehicle used in commercial passenger transportation" means a motor vehicle that a commercial passenger transporter under the Road Transportation Act (Act No. 183 of 1951) uses in its business in order to transport passengers;
- (x) the term "aircraft used in commercial passenger transportation" means an aircraft that a domestic air carrier (limited to one that transports passengers) under the Civil Aeronautics Act (Act No. 231 of 1952) uses in its business in order to transport passengers;
- (xi) the term "railway, cableway, or tramway car used in commercial passenger transportation" means a car or carrier that a commercial railway (limited to one that transports passengers) or commercial cableway (limited to one that transports passengers) under the Railway Business Act (Act No. 92 of 1986), or a commercial tramway (limited to one that transports passengers) under the Act on Rail Tracks (Act No. 76 of 1921) uses in its business in order to transport passengers;
- (xii) the term "vessel used in commercial passenger transportation" means a vessel (limited to a Japanese vessel as provided in Article 1 of the Ship Act (Act No. 46 of 1899)) that a commercial shipping operator (limited to one that transports passengers) under the Maritime Transportation Act (Act No. 187 of 1949) uses in its business in order to transport passengers;
- (xiii) the term "specified outdoor smoking area" means a part of the area outdoors at a type I facility which has been sectioned off by the managing authority of that facility, and for which, pursuant to the provisions of Order

- of the Ministry of Health, Labour and Welfare, signs indicating that people are permitted to smoke there have been posted and other necessary measures to prevent passive smoking that are prescribed by Order of the Ministry of Health, Labour and Welfare have been taken;
- (xiv) the term "smoking research area" means an areas used for research and development related to tobacco (limited to those that involve people smoking).

## **Section 2 Measures to Prevent Passive Smoking**

(Prohibition of Smoking in Specified Facilities and Means of Transportation)

Article 29 (1) It is prohibited for any person, without a legitimate reason, to smoke at or in a specified facility or equivalent place, if it is in an area of the specified facility or equivalent place that is prescribed in the relevant of the following items for the category of specified facility or equivalent place set forth in that item (hereinafter referred to as a "no smoking area" in this Chapter):

- (i) type I facilities: an area other than the following areas:
    - (a) a specified outdoor smoking area;
    - (b) a smoking research area;
  - (ii) type II facilities: an indoor area other than the following:
    - (a) an area constituting a smoking room provided for in Article 33, paragraph (3), item (i);
    - (b) a smoking research area;
  - (iii) facilities for smokers: an indoor area not constituting a smoking lounge as provided in Article 35, paragraph (3), item (i);
  - (iv) motor vehicles used in commercial passenger transportation and aircraft used in commercial passenger transportation: the area inside them;
  - (v) railway, cableway, and tramway cars used in commercial passenger transportation and vessels used in commercial passenger transportation: areas inside them that do not constitute a smoking room provided for in Article 33, paragraph (3), item (i).
- (2) Prefectural governors may order a person who is smoking in violation of the provisions of the preceding paragraph to stop smoking or to leave the no smoking area of a specified facility set forth in item (i) through (iii) of that paragraph.

(Responsibilities of the Managing Authorities and Managers of Specified Facilities and Means of Transportation)

Article 30 (1) The managing authority or manager of a specified facility or equivalent place (meaning the managing authority or manager of a facility or a commercial means of passenger transportation; hereinafter the same applies in

this Section) may not have in place, in a no smoking area of that specified facility or equivalent place, an implement or convenience that is meant to be used exclusively when people are smoking, in a condition that makes it possible for people to use that implement or convenience when smoking.

- (2) The managing authority or manager of a specified facility must endeavor to ask a person who smokes or attempts to smoke in a no smoking area of the facility to stop smoking or leave the no smoking area.
- (3) The managing authority or manager of a commercial means of passenger transportation must endeavor to ask a person who smokes or attempts to smoke in a no smoking area of that commercial means of passenger transportation to stop smoking.
- (4) Beyond as provided in the preceding two paragraphs, the managing authority or manager of a specified facility or equivalent place must endeavor to take the necessary to prevent passive smoking in that specified facility or equivalent place

(Guidance and Advice for the Managing Authorities and Managers of Specified Facilities and Means of Transportation)

Article 31 A prefectural governor may provide the managing authority or manager of a specified facility or equivalent place with the necessary guidance and advice to prevent passive smoking in the specified facility or equivalent place.

(Issuing Recommendations and Orders to the Managing Authorities and Managers of Specified Facilities and Means of Transportation)

- Article 32 (1) If the managing authority or manager of a specified facility or equivalent place, in violation of the provisions of Article 30, paragraph (1), has in place an implement or convenience in a condition that makes it possible for people to use it when smoking, the prefectural governor may issue a recommendation to the managing authority or manager to remove the implement or convenience or take other measures to make it so that it is not possible for people to use it when smoking, within a specified period.
- (2) If the managing authority or manager of a specified facility or equivalent place that has been issued a recommendation under the provisions of the preceding paragraph fails to comply with the recommendation within the period referred to in that paragraph, the prefectural governor may make a public announcement to that effect.
  - (3) If the managing authority or manager of a specified facility or equivalent place that has been issued a recommendation under the provisions of paragraph (1) fails to take the recommended measures, the prefectural governor may order the managing authority or manager to take the

recommended measures within a specified period.

(Smoking Rooms)

Article 33 (1) The managing authority of a type II facility or equivalent place (meaning a type II facility, a railway, cableway, or tramway car used in commercial passenger transportation, or a vessel used in commercial passenger transportation; hereinafter the same applies in this Article and Article 37, paragraph (1), item (i)) may designate an area that is a part of the indoor or interior space of that facility or place, and that constitutes a room whose structure and equipment conform to the technical standards prescribed by Order of the Ministry of Health, Labour and Welfare as standards for preventing tobacco smoke from flowing out to an area outside of the room (but only from flowing out to an indoor or interior space of a specified facility or equivalent place) (such a room is referred to as a "conforming room" in the following paragraph and paragraph (3), item (i)) as an area that is exclusively for people to smoke in.

(2) If, pursuant to the provisions of the preceding paragraph, the managing authority of a type II facility or equivalent place seeks to designate an area that constitutes a conforming room in the facility or place as an area that is exclusively for people to smoke in, it must post a sign stating the following things (hereinafter referred to as a "smoking room sign" in this Section) in a readily visible position at the entrance to that area, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare:

- (i) that it is an area that is exclusively for people to smoke in;
- (ii) that persons under 20 years of age are prohibited from entering;
- (iii) other particulars prescribed by Order of the Ministry of Health, Labour and Welfare.

(3) If the managing authority of a type II facility or equivalent place has posted a smoking room sign pursuant to the provisions of the preceding paragraph, it must immediately post a sign stating the following things (hereinafter referred to as a "sign indicating that the facility has a smoking room" in this Section) in a readily visible position at the main entrance of the type II facility or equivalent place pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare; provided, however, that this does not apply if a sign indicating that the facility has a smoking room has already been posted in a readily visible position at the main entrance of the type II facility or equivalent place:

- (i) that the facility has a smoking room (meaning a conforming room where a smoking room sign is posted pursuant to the provisions of the preceding paragraph; hereinafter the same applies in this Article and paragraph (1) of the following Article);

- (ii) other particulars prescribed by Order of the Ministry of Health, Labour and Welfare.
- (4) The managing authority of a type II facility or equivalent place that has a smoking room (hereinafter referred to as a "facility that has a smoking room" in this Section) must maintain the structure and equipment of the smoking room in the type II facility or equivalent place so that they conform to the technical standards prescribed by Order of the Ministry of Health, Labour and Welfare that are referred to in paragraph (1).
- (5) The managing authority or manager of a facility that has a smoking room must not allow persons under 20 years of age to enter the smoking room.
- (6) If the managing authority of a facility that has a smoking room seeks to turn an area constituting a smoking room into something other than an area that is exclusively for people to smoke in, it must remove the smoking room signs posted at the smoking room.
- (7) If the managing authority of a facility that has smoking rooms has turned all areas constituting smoking rooms in the facility into something other than areas that are exclusively for people to smoke in, it must immediately remove signs indicating that the facility has smoking rooms which have been posted at the facility.

(Issuing Recommendations and Orders to the Managing Authority of a Facility That Has a Smoking Room)

- Article 34 (1) On finding that the structure or equipment of a smoking room in a facility that has a smoking room no longer conforms to the technical standards prescribed by Order of the Ministry of Health, Labour and Welfare that are referred to in paragraph (1) of the preceding Article, the prefectural governor may issue a recommendation to the managing authority of the facility to immediately remove the smoking room sign that has been posted at the smoking room and the sign indicating that the facility has a smoking room which has been posted at the facility (if there are multiple smoking rooms in a facility, this is limited to cases in which the prefectural governor finds that the structure or equipment of all of the facility's smoking rooms no longer conforms to the technical standards prescribed by Order of the Ministry of Health, Labour and Welfare that are referred to in that paragraph), or to suspend the use of the smoking room until the structure and equipment of the room conforms to the technical standards prescribed by Order of the Ministry of Health, Labour and Welfare that are referred to in that paragraph.
- (2) If the managing authority of a facility that has a smoking room that has been issued a recommendation under the provisions of the preceding paragraph fails to comply with the recommendation, the prefectural governor may make a public announcement to that effect.

- (3) If the managing authority of a facility that has a smoking room that has been issued a recommendation under the provisions of paragraph (1) fails to take the recommended measures, the prefectural governor may order the managing authority to take the recommended measures.

(Smokers' Lounges)

Article 35 (1) The managing authority of a facility for smokers may designate an area that forms all or a part of the indoor space of that facility, and that constitutes a room whose structure and equipment conform to the technical standards prescribed by Order of the Ministry of Health, Labour and Welfare as standards for preventing tobacco smoke from flowing out to an area outside of the room (but only from flowing out to an indoor or interior space of a specified facility or equivalent place) (such a room is referred to as a "conforming room" in the following paragraph and paragraph (3), item (i)) as an area that people may smoke in.

- (2) If the managing authority of a facility for smokers seeks to designate an area constituting a conforming room in the facility as an area that people may smoke in pursuant to the provisions of the preceding paragraph, it must post a sign stating the following things (hereinafter referred to as a "smoking lounge sign" in this Section) in a readily visible position at the entrance of the area pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare:

- (i) that it is an area meant for smoking;
- (ii) that persons under 20 years of age are prohibited from entering;
- (iii) other particulars prescribed by Order of the Ministry of Health, Labour and Welfare.

- (3) If the managing authority of a facility for smokers posts a smoking lounge sign pursuant to the provisions of the preceding paragraph, it must immediately post a sign stating the following things (hereinafter referred to as a "sign indicating that the facility has a smoking lounge" in this Section) in a readily visible position at the main entrance of the facility pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare; provided, however, that this does not apply if a sign indicating that the facility has a smoking lounge has already been posted in a readily visible position at the main entrance of the facility for smokers:

- (i) that the facility has a smoking lounge (meaning a conforming room where a smoking lounge sign is posted pursuant to the provisions of the preceding paragraph; hereinafter the same applies in this Article and the following Article);
- (ii) other particulars prescribed by Order of the Ministry of Health, Labour and Welfare.



- (4) The managing authority of a facility for smokers that has a smoking lounge (hereinafter referred to as a "facility that has a smoking lounge" in this Section) must maintain the facility so that it conforms to the requirements specified by Cabinet Order that are referred to in Article 28, item (vii).
- (5) The managing authority of a facility that has a smoking lounge must maintain the structure and equipment of the facility's smoking lounge so that they conform to the technical standards prescribed by Order of the Ministry of Health, Labour and Welfare that are referred to in paragraph (1).
- (6) The managing authority of a facility that has a smoking lounge (but only a facility where business that allows customers to eat and drink in the smoking lounge is taking place and any other facility prescribed by Cabinet Order; hereinafter the same applies in this paragraph and paragraph (8)) must keep books, enter the particulars prescribed by Order of the Ministry of Health, Labour and Welfare in them concerning the requirements prescribed by Cabinet Order that are referred to in Article 28, item (vii) for the facility, and preserve them.
- (7) The managing authority or manager of a facility that has a smoking lounge must not allow persons under 20 years of age to enter the facility's smoking lounge.
- (8) When the managing authority or manager of a facility that has a smoking lounge advertises or promotes the business of the facility, it must make it clear, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, that the facility is a facility that has a smoking lounge.
- (9) If the managing authority of a facility that has a smoking lounge seeks to turn an area constituting a smoking lounge into something other than an area that people may smoke in, the managing authority must remove the smoking lounge sign posted at the smoking lounge.
- (10) If the managing authority of a facility that has smoking lounges has turned all areas constituting smoking lounges in the facility into something other than areas that people may smoke in, the managing authority must immediately remove signs indicating that the facility has smoking lounges which have been posted at the facility.

(Issuing Recommendations and Orders to the Managing Authority of a Facility That Has a Smoking Lounge)

Article 36 (1) On finding that a facility that has a smoking lounge does not meet the requirements prescribed by Cabinet Order that are referred to in Article 28, item (vii), the prefectural governor may issue a recommendation to the managing authority of the facility to immediately remove the smoking lounge sign posted at the facility's smoking lounge and the sign indicating that the facility has a smoking lounge posted at the facility, or to suspend the use of the

facility until it meets the requirements prescribed by Cabinet Order that are referred to in that item.

- (2) On finding that the structure or equipment of a smoking lounge at a facility that has a smoking lounge no longer conforms to the technical standards prescribed by Order of the Ministry of Health, Labour and Welfare that are referred to in paragraph (1) of the preceding Article, the prefectural governor may issue a recommendation to the managing authority of the facility to immediately remove the smoking lounge sign that has been posted at the smoking lounge and the sign indicating that the facility has a smoking lounge that has been posted at the facility (if there are multiple smoking lounges in a facility, this is limited to cases in which the prefectural governor finds that the structure or equipment of all of the facility's smoking lounges no longer conforms to the technical standards prescribed by Order of the Ministry of Health, Labour and Welfare that are referred to in that paragraph), or to suspend the use of the smoking lounge until the structure and equipment of the lounge conforms to the technical standards prescribed by Order of the Ministry of Health, Labour and Welfare that are referred to in that paragraph.
- (3) If the managing authority of a facility that has a smoking lounge that has been issued a recommendation under the provisions of the preceding two paragraphs fails to comply with the recommendation, the prefectural governor may make a public announcement to that effect.
- (4) If the managing authority of a facility that has a smoking lounge that has been issued a recommendation under the provisions of paragraph (1) or (2) fails to take the recommended measures, the prefectural governor may order the managing authority to take the recommended measures.

#### (Restriction on the Use of Signs)

Article 37 (1) Except in the following cases, it is prohibited for any person to post a smoking room sign, sign indicating that a facility has a smoking room, smoking lounge sign, or sign indicating that a facility has a smoking lounge (hereinafter any one of these is referred to as a "smoking sign" in this Article), or a sign similar to a smoking sign in a specified facility or equivalent place:

- (i) if the managing authority of a type II facility or equivalent place posts a smoking room sign pursuant to the provisions of Article 33, paragraph (2) or a sign indicating that the facility has a smoking room pursuant to the provisions of paragraph (3) of that Article;
  - (ii) if the managing authority of a facility for smokers posts a smoking lounge sign pursuant to the provisions of Article 35, paragraph (2) or a sign indicating that the facility has a smoking lounge pursuant to the provisions of paragraph (3) of that Article.
- (2) Except in the following cases, it is prohibited for any person to remove or

deface a smoking sign, or otherwise make it difficult to identify such a sign:

- (i) if the managing authority of a facility that has a smoking room removes a smoking room sign pursuant to the provisions of Article 33, paragraph (6) or a sign indicating that the facility has a smoking room pursuant to the provisions of paragraph (7) of that Article, or removes a smoking room sign and a sign indicating that the facility has a smoking room as measures associated with a recommendation under the provisions of Article 34, paragraph (1) or as measures based on an order under the provisions of paragraph (3) of that Article;
- (ii) if the managing authority of a facility that has a smoking lounge removes a smoking lounge sign pursuant to the provisions of Article 35, paragraph (9) or a sign indicating that the facility has a smoking lounge pursuant to the provisions of paragraph (10) of that Article, or removes a smoking lounge sign and a sign indicating that the facility has a smoking lounge as measures associated with a recommendation under the provisions of paragraph (1) or (2) of the preceding Article or as measures based on an order under the provisions of paragraph (4) of that Article.

#### (On-Site Inspections)

Article 38 (1) To the extent that is necessary to bring the provisions of this Section into effect, a prefectural governor may have the managing authority or manager of a specified facility or equivalent place report on the status of its implementation of the removal of implements or conveniences in a no smoking area of the specified facility or equivalent place that are meant to be used exclusively when people are smoking and other such measures to prevent passive smoking; may have a prefectural official enter a specified facility or equivalent place to inspect the status of its implementation of those measures and its books, documents, and other articles; and may have such an official question the relevant persons.

- (2) An official conducting an on-site inspection or questioning pursuant to the provisions of the preceding paragraph must carry identification and present it to the relevant persons.
- (3) The authority under the provisions of paragraph (1) must not be construed as having been granted for the purpose of a criminal investigation.

#### (Application)

Article 39 (1) If there is an area falling under the category of a specified facility other than a type I facility within an area that constitutes a type I facility, the provisions of this Chapter apply to that area as an area that is in a type I facility.

- (2) The provisions of this Chapter concerning motor vehicles used in commercial

passenger transportation apply to the interior space of a motor vehicle used in commercial passenger transportation that are being operated in an area constituting a railway, cableway, or tramway car used in commercial passenger transportation or in an area constituting a vessel used in commercial passenger transportation at the time in question.

- (3) If there is an area falling under the category of a specified facility within an area constituting a motor vehicle used in commercial passenger transportation or aircraft used in commercial passenger transportation, the provisions of this Chapter apply to that area as an area that is in a motor vehicle used in commercial passenger transportation or aircraft used in commercial passenger transportation.
- (4) If there is an area falling under the category of a specified facility within an area constituting a railway, cableway, or tramway car used in commercial passenger transportation or vessel used in commercial passenger transportation, the provisions of this Chapter apply to that area as an area constituting a specified facility.
- (5) The provisions of this Chapter concerning commercial means of passenger transportation apply to the interior space of a commercial means of passenger transportation that is being operated in an area constituting a specified facility at the time in question.

(Exclusion from Application)

Article 40 (1) The provisions of this Section (excluding the provisions of Article 30, paragraph (4) and this Article; hereinafter the same applies in this Article) do not apply to the following areas:

- (i) an area used as a person's residence (this excludes an area as set forth in the following item);
  - (ii) an area constituting the guest room of a facility associated with the hotel business provided for in Article 2, paragraph (1) of the Hotel Business Act (Act No. 138 of 1948) (excluding an area constituting a guest room (other than a private room) of a facility associated with the business of operating a common lodging house as provided in paragraph (3) of that Article or of a facility associated with the business of operating a boarding house as provided in paragraph (4) of that Article);
  - (iii) any other area prescribed by Cabinet Order as equivalent to an area set forth in the preceding two items.
- (2) If there is an area falling under the category of an area as set forth in the items of the preceding paragraph in a specified facility or equivalent place, the provisions of this Section do not apply to the area constituting that specified facility or equivalent place (this is limited to an area falling under the category of an area as set forth in items of that paragraph).

(3) The provisions of this Section do not apply to the interior space of a general means of transportation (meaning an automobile, aircraft, railway car, or vessel not constituting a commercial means of passenger transportation) that is being operated in an area constituting a specified facility or equivalent place at the time in question.

(Research and Studies on Passive Smoking)

Article 41 The national government must endeavor to implement research and studies on passive smoking and other research and studies that it needs to formulate policies on preventing passive smoking.

(Transitional Measures)

Article 42 When Cabinet Order or Order of the Ministry of Health, Labour and Welfare is enacted, amended, or repealed pursuant to the provisions of this Chapter, the necessary transitional measures (including transitional measures for penal provisions) may be provided by Cabinet Order or Order of the Ministry of Health, Labour and Welfare to the extent reasonably considered to be necessary for the enactment, amendment, or repeal.

## **Chapter VII Making Representations About a Special Use; Related Matters**

(Permission to Make Representations About a Special Use)

Article 43 (1) A person seeking to make a representation indicating that a food product which it sells is for infants, young children, expectant mothers, or sick persons or that it is suitable for any other special use prescribed by Cabinet Office Order (hereinafter referred to as a "representation about a special use") must obtain the permission of the Prime Minister.

(2) A person seeking the permission referred to in the preceding paragraph must submit to the Prime Minister a written application stating the name of the item, the composition percentages of the raw materials, the way the product is manufactured, a componential analysis table, the substance of the representation about the special use for which the person seeks permission, and other particulars prescribed by Cabinet Office Order, along with a sample of the product.

(3) The Prime Minister is to have a research laboratory or a corporation that the Prime Minister has registered (hereinafter referred to as a "registered testing organization") conduct the necessary testing associated with granting the permission referred to in paragraph (1) (hereinafter referred to as "permission-related testing").

(4) A person applying for the permission referred to in paragraph (1) must pay the national government a fee in the amount prescribed by Cabinet Order in

consideration of actual expenses (excluding actual expenses involved in permission-related testing); pay a research laboratory a fee in the amount prescribed by Cabinet Order in consideration of the actual expenses involved in permission-related testing for testing it conducts; and pay a registered testing organization a fee in the amount established by the registered testing organization with the authorization of the Prime Minister for testing it conducts.

- (5) Before giving the permission referred to in paragraph (1), the Prime Minister must first hear the opinion of the Minister of Health, Labour and Welfare.
- (6) A person making a representation about a special use for which the person has obtained the permission referred to in paragraph (1) must indicate the particulars prescribed by Cabinet Office Order regarding the food product to which the permission pertains (hereinafter referred to as a "food for special dietary uses") pursuant to the provisions of Cabinet Office Order.
- (7) Before enacting, amending, or repealing the Cabinet Office Order referred to in paragraph (1) or the preceding paragraph, the Prime Minister must first consult with the Minister of Health, Labour and Welfare.

(Registering an Organization as a Registered Testing Organization)

Article 44 A person seeking registration as a registered testing organization must pay a fee in the amount prescribed by Cabinet Order in consideration of actual expenses and apply for registration to the Prime Minister in accordance with the procedures prescribed by Cabinet Office Order.

(Ineligibility)

Article 45 A corporation falling under any of the following items may not be registered as referred to in Article 43, paragraph (3):

- (i) a corporation or an officer conducting its business that has been sentenced to a fine or heavier punishment for violating this Act, if two years have not passed since the corporation or officer finished serving the sentence or ceased to be subject to its enforcement;
- (ii) a corporation whose registration has been rescinded pursuant to the provisions of Article 55, if two years have not passed since the date of rescission;
- (iii) a corporation that has, as an officer conducting its business, a person who, within the 30 days prior to the rescission of a registration under the provisions of Article, was an officer conducting business at the corporation subject to that rescission, if two years have not passed since the date of the rescission.

(Criteria for Registration)

Article 46 (1) The Prime Minister must register a person applying for registration pursuant to the provisions of Article 44 (hereinafter referred to as an "applicant for registration" in this paragraph) if that person conforms to all of the following requirements; the necessary procedures for registration in such a case are prescribed by Cabinet Office Order:

- (i) the applicant has the machinery, apparatuses, and other equipment set forth in the right-hand column of the Appended Table; permission-related testing is implemented by persons with knowledge and experience that meet the conditions set forth in the middle column of that Table; and the number of persons implementing the testing is at least the number set forth in the left-hand column of that Table;
- (ii) the following measures are taken to ensure the reliability of permission-related testing:
  - (a) a full-time supervisor is appointed for each type of permission-related testing in the department conducting the testing;
  - (b) documents on the operational management of permission-related testing and on ensuring accuracy of the testing have been prepared;
  - (c) a permanent department that manages operations for permission-related testing and ensures accuracy of the testing in accordance with what is stated in the documents set forth in (b) has been established;
- (iii) the applicant for registration does not fall under any of the following as a person controlled by an enterprise provided for in Article 4, paragraph (8) of the Food Sanitation Act (Act No. 233 of 1947) that manufactures, imports, or sells food products for which permission or approval must be obtained pursuant to the provisions of Article 43, paragraph (1) or Article 63, paragraph (1) (hereinafter referred to as a "person engaged in business involving food for special dietary uses" in this item and Article 52, paragraph (2)):
  - (a) it is a stock company, and a person engaged in business involving food for special dietary uses is its parent corporation (meaning a parent corporation as provided in Article 879, paragraph (1) of the Companies Act (Act No. 86 of 2005));
  - (b) more than half of its officers (if that applicant is a membership company (meaning a membership company as provided in Article 575, paragraph (1) of the Companies Act), this refers to the members executing its business) are officers or employees of a person engaged in business involving food for special dietary uses (or have been officers or employees of a person engaged in business involving food for special dietary uses in the past two years);
  - (c) the officer that has the authority to represent the applicant is the officer or employee of a person engaged in business involving food for special dietary uses (or has been the officer or employee of a person engaged in

- business involving food for special dietary uses in the past two years).
- (2) The Prime Minister makes a registration by entering the following information in a registration ledger:
- (i) the date of registration and registration number;
  - (ii) the name of the registered testing organization, the name of its representative, and the location of its principal office;
  - (iii) the name and location of the office where the registered testing organization conducts permission-related testing.

(Renewal of Registration)

- Article 47 (1) If a registered testing organization does not have its registration renewed for each period of at least five years and not more than ten years that Cabinet Order prescribes, its registration expires due to the passage of that period.
- (2) The provisions of the preceding three Articles apply mutatis mutandis to the renewal of a registration referred to in the preceding paragraph.

(Obligation to Conduct Testing)

- Article 48 When a registered testing organization has been requested to conduct permission-related testing, it must conduct that testing without delay unless it has a legitimate reason not to do so.

(Filing Notification of a Change of Place of Business)

- Article 49 If a registered testing organization seeks to change the location of the office where it conducts permission-related testing, it must file a notification with the Prime Minister no later than two weeks prior to the day on which it seeks to make the change.

(Testing Operations Rules)

- Article 50 (1) A registered testing organization must establish rules for permission-related testing operations (hereinafter referred to as "testing operations rules"), and obtain the authorization of the Prime Minister prior to the commencement of those operations. The same applies if a registered testing organization seeks to modify its testing operations rules.
- (2) In the testing operations rules, the method of conducting a permission-related testing, a fee for a permission-related testing and other matters prescribed by Cabinet Office Order must be provided.
- (3) If the Prime Minister finds that the testing operations rules which the Prime Minister has authorized under paragraph (1) is no longer appropriate in terms of proper and reliable conduct of permission-related testing, the Prime Minister may order that the relevant registered testing organization should



modify those testing operations rules.

(Suspension or Discontinuation of Services)

Article 51 A registered testing organization may not suspend or discontinue all or a part of services for permission-related testing without the permission of the Prime Minister.

(Keeping and Inspection of Financial Statements)

Article 52 (1) Within three months after the end of each business year, a registered testing organization must prepare an inventory of assets, balance sheet, profit and loss statement or income and expenditure statement, and business report for that business year (this includes electronic or magnetic records (meaning records used in computer data processing that are created in electronic form, magnetic form, or any other form that cannot be perceived by the human senses; hereinafter the same applies in this Article) ,if electronic or magnetic records are prepared in lieu of these paper documents; hereinafter each of these is individually referred to as a "financial statement or business report" in the following paragraph and Article 78, item (iii)), and keep them at its office for five years.

(2) A person engaged in business involving food for special dietary uses or other interested person may make the following requests at any time during the business hours of a registered testing organization; provided, however, that the person must pay the fee that the registered testing organization sets, in order to make a request as referred to in item (ii) or (iv):

- (i) a request to inspect or copy the paper document constituting a financial statement or business report, if the financial statement or business report has been prepared in the form of a paper document;
- (ii) a request for a certified copy or extract of a document as referred to in the preceding item;
- (iii) a request to inspect or copy something that has been made to show the particulars recorded in the electronic or magnetic record constituting a financial statement or business report through the means prescribed by Cabinet Office Order, if the financial statement or business report has been prepared in the form of an electronic or magnetic record;
- (iv) a request to be provided with the particulars recorded in an electronic or magnetic record as referred to in the preceding item by the electronic or magnetic means that Cabinet Office Order prescribes, or a request to be issued a document giving those particulars.

(Duty of Confidentiality; Related Matters)

Article 53 (1) It is prohibited for a current or former officer or employee of a

registered testing organization to disclose confidential information learned in the course of permission-related testing operations.

- (2) The officers or employees of a registered testing organization who are engaged in permission-related testing operations are deemed to be officials engaged in public service pursuant to laws and regulations with respect to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

(Order for Conformity)

Article 54 If the Prime Minister finds that a registered testing organization no longer conforms to one of items of Article 46, paragraph (1), the Prime Minister may order the registered testing organization to take the necessary measures to conform with these.

(Rescission of Registration)

Article 55 If a registered testing organization falls under one of the following items, the Prime Minister may rescind its registration or order the suspension of all or part of its permission-related testing operations for a specified period:

- (i) it has come to fall under Article 45, item (i) or (iii);
- (ii) it has violated the provisions of Article 48, Article 49, Article 51, Article 52, paragraph (1), or the following Article;
- (iii) it has refused a request under the provisions of items of Article 52, paragraph (2) without a legitimate reason to do so;
- (iv) it has conducted permission-related testing without abiding by the testing operations rules for which it has been authorized as referred to in Article 50, paragraph (1);
- (v) it has violated an order under the provisions of Article 50, paragraph (3) or the preceding Article;
- (vi) it has become registered as referred to in Article 43, paragraph (3) (or had a registration renewed as referred to in Article 47, paragraph (1)) through wrongful means.

(Bookkeeping)

Article 56 A registered testing organization must keep books, enter the particulars prescribed by Cabinet Office Order in those books concerning permission-related testing operations, and preserve them pursuant to the provisions of Cabinet Office Order.

(Prohibition of Misleading Actions by Persons That Are Not Registered Testing Organizations)

Article 57 (1) It is prohibited for a person that is not a registered testing organization to make a representation or take any other such action that would

tend to give someone the mistaken impression that the operations which it carries out are permission-related testing.

- (2) The Prime Minister may order a person that is not a registered testing organization to take measures to ensure that it does not give people the mistaken impression that the operations it carries out are permission-related testing.

(Collection of Reports)

Article 58 The Prime Minister may have a registered testing organization report its operational or accounting status to the extent necessary to bring this Act into effect.

(On-Site Inspections)

Article 59 (1) To the extent that is necessary to bring the this Act into effect, the Prime Minister may have the relevant officials enter an office or a place of business of a registered testing organization to inspect its operational status or its books, documents, and other articles.

- (2) An official conducting an on-site inspection pursuant to the provisions of the preceding paragraph must carry identification and present it to the relevant persons.
- (3) The authority to conduct an on-site inspection as referred to in paragraph (1) must not be construed as having been granted for the purpose of a criminal investigation.

(Public Notice)

Article 60 In the following cases, the Prime Minister must issue a public notice indicating that such is the case in the Official Gazette:

- (i) when the Prime Minister has made a registration as referred to in Article 43, paragraph (3);
- (ii) if the registration of a registered testing organization ceases to be effective pursuant to the provisions of Article 47, paragraph (1);
- (iii) if the Prime Minister has received a notification under the provisions of Article 49;
- (iv) when the Prime Minister gives permission under the provisions of Article 51;
- (v) if the Prime Minister has rescinded the registration of a registered testing organization or ordered the suspension of permission-related testing operations pursuant to the provisions of Article 55.

(Inspection and Taking Samples of Food for Special Dietary Uses)

Article 61 (1) On finding it to be necessary to do so, the Prime Minister or a

prefectural governor may have the relevant officials enter a manufacturing facility, storage facility, or sales facility for food for special dietary uses; inspect food for special dietary uses that is meant for sale; or take samples of the relevant food for special dietary uses, to the extent necessary for use in testing.

- (2) An official conducting an on-site inspection or taking samples pursuant to the provisions of the preceding paragraph must carry identification and present it to the relevant persons.
- (3) The authority of the relevant officials provided for in paragraph (1) is to be exercised by food sanitation inspectors provided for in Article 30, paragraph (1) of the Food Sanitation Act.
- (4) The authority under the provisions of paragraph (1) must not be construed as having been granted for the purpose of a criminal investigation.
- (5) The Prime Minister is to have a research laboratory test the food samples that have been taken pursuant to the provisions of paragraph (1).

(Rescission of Permission to Make Representations About a Special Use)

Article 62 If a person that has received permission under Article 43, paragraph (1) falls under one of the following items, the Prime Minister may rescind its permission:

- (i) the person violates the provisions of Article 43, paragraph (6);
- (ii) the person makes a false representation regarding the food to which that permission pertains;
- (iii) it has become evident that it is not appropriate to make the permitted representation about a special use regarding the food subject to that permission, due to the enhancement of scientific knowledge that has occurred after the day on which permission was received.

(Approval for Making Representations About a Special Use)

Article 63 (1) A person in a foreign country that seeks to make a representation about a special use for a food product for sale in Japan may receive approval from the Prime Minister.

- (2) The provisions of Article 43, paragraphs (2) through (7) and the preceding Article apply *mutatis mutandis* to approval referred to in the preceding paragraph, and the provisions of Article 61 apply *mutatis mutandis* to the food product subject to the approval referred to in that paragraph. In such a case, the phrase "manufacturing facility, storage facility" in paragraph (1) of that Article is deemed to be replaced with "storage facility".

(Permission to Import a Food Product for Which a Representation About a Special Use Is Being Made)

Article 64 A person seeking to import for sale in Japan a food product for which a representation about a special use is being made without the permission under the provisions of Article 43, paragraph (1) or approval under the provisions of paragraph (1) of the preceding Article having been received is deemed to be a person seeking to make a representation about a special use as provided in Article 43, paragraph (1), and the provisions of that Article and Article 72, item (ii) apply.

(Prohibition of Exaggerated Representations)

Article 65 (1) It is prohibited for any person to make a representation that is significantly contrary to fact or that would tend to give someone a significantly mistaken impression with respect to health-maintenance and health-improvement effects and other particulars prescribed by Cabinet Office Order (hereinafter referred to as "healthful effects" in paragraph (3) of the following Article) when advertising or making any other such representation concerning a thing that is sold as a food product.

(2) Before enacting, amending, or repealing the Cabinet Office Order referred to in the preceding paragraph, the Prime Minister must first consult with the Minister of Health, Labour and Welfare.

(Issuing Recommendations; Related Matters)

Article 66 (1) If a person has made a representation violating the provisions of paragraph (1) of the preceding Article and the Prime Minister or the relevant prefectural governor finds there to be a risk of this seriously affecting people's maintenance and improvement of their health and the communication of correct information to the people, the Prime Minister or that prefectural governor may issue a recommendation for the person to take the necessary measures concerning its representation.

(2) If a person that has been issued a recommendation provided for in the preceding paragraph fails to take the recommended measures without a legitimate reason for failing to do so, the Prime Minister or the relevant prefectural governor may order the person to take the recommended measures.

(3) The provisions of Article 61 apply mutatis mutandis to a thing that is sold as a food product that has been represented to have healthful effects (other than a food for special dietary uses or a food for which the approval referred to in Article 63, paragraph (1) has been given).

(4) When a prefectural governor has exercised the authority thereof pursuant to the provisions of paragraph (1) or (2), the governor is to notify the Prime Minister of this.

(Requests for Re-examination)

Article 67 (1) A person that is dissatisfied with the determination following a request for administrative review concerning a disposition that the mayor of a city that has a health center or the mayor of a special ward has taken pursuant to the provisions of Article 61, paragraph (1) (including as applied mutatis mutandis pursuant to Article 63, paragraph (2)) may file a request for re-examination with the Prime Minister.

(2) If the mayor of a city that has a health center or the mayor of a special ward has delegated the authority to take dispositions under the provisions of Article 61, paragraph (1) (including as applied mutatis mutandis pursuant to Article 63, paragraph (2)) to an official positioned as a subsidiary organ for the mayor or the head of an administrative agency under the management of the mayor, and a determination is made following a request for re-examination under Article 255-2, paragraph (2) of the Local Autonomy Act (Act No. 67 of 1947) concerning a disposition that the official or head of the administrative agency to which the mayor has delegated the authority has taken based on that delegated authority, a person that is dissatisfied with the determination may file a request for further examination with the Prime Minister following the example referred to in the provisions of Article 252-17-4, paragraphs (5) through (7) of that Act.

## **Chapter VIII Miscellaneous Provisions**

### (Classification of Functions)

Article 68 Functions to be handled by prefectures, cities that have health centers, or special wards, pursuant to the provisions of Article 10, paragraph (3), Article 11, paragraph (1), and Article 61, paragraph (1) (including as applied mutatis mutandis pursuant to Article 63, paragraph (2)) are type I statutory entrusted functions provided for in Article 2, paragraph (9), item (i) of the Local Autonomy Act.

### (Delegation of Authority)

Article 69 (1) The authority of the Minister of Health, Labour and Welfare provided in this Act may be delegated to the director-general of a regional bureau of health and welfare pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(2) The authority delegated to the director-general of a regional bureau of health and welfare pursuant to the provisions of the preceding paragraph may be delegated to the director-general of the relevant regional branch bureau of health and welfare pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(3) The Prime Minister delegates the authority under this Act to the Secretary

General of the Consumer Affairs Agency (except the authority prescribed by Cabinet Order).

- (4) The Secretary General of the Consumer Affairs Agency may delegate a part of the authority delegated thereto pursuant to the provisions of the preceding paragraph to the director-general of the regional bureau of health and welfare or regional branch bureau of health and welfare pursuant to the provisions of Cabinet Order.
- (5) When the director-general of the relevant regional bureau of health and welfare or regional branch bureau of health and welfare exercises the authority delegated thereto pursuant to the provisions of the preceding paragraph, the director-general is to report the result of this to the Secretary General of the Consumer Affairs Agency.

### **Chapter IX Penal Provisions**

Article 70 (1) If a current or former public officer engaged in functions related to national health and nutrition surveys, employee of a research laboratory, or national health and nutrition surveyor, without a legitimate reason for doing so, discloses another person's confidential information learned in the course of duty, that officer, employee, or surveyor is subject to imprisonment with work for not more than one year or a fine of not more than 1,000,000 yen.

(2) The preceding paragraph also applies if a current or former public officer of another kind discloses confidential information referred to in that paragraph learned in the course of duty, without a legitimate reason for doing so.

(3) A person that has disclosed confidential information learned in the course of duty in violation of the provisions of Article 53, paragraph (1) is subject to imprisonment with work for not more than one year or a fine of not more than 1,000,000 yen.

(4) If a registered testing organization violates an order of suspension for the operations under the provisions of Article 55, the officer or employee of the registered testing organization who commits the violation is subject to imprisonment with work for not more than one year or a fine of not more than 1,000,000 yen.

Article 71 A person violating an order that is based on the provisions of Article 66, paragraph (2) is subject to imprisonment with work for not more than six months or a fine of not more than 1,000,000 yen.

Article 72 A person falling under any of the following items is subject to a fine of not more than 500,000 yen:

- (i) a person violating an order that is based on the provisions of Article 23,

- paragraph (2);
- (ii) a person violating the provisions of Article 43, paragraph (1);
- (iii) a person violating an order under the provisions of Article 57, paragraph (2).

Article 73 In the event of any of the following violations, the representative, agent, employee, or other worker of a registered testing organization that commits the violation is subject to a fine of not more than 500,000 yen:

- (i) if the registered testing organization suspends permission-related testing operations without obtaining the permission under the provisions of Article 51;
- (ii) if the registered testing organization fails to keep books, make statements in books, or preserve books pursuant to the provisions of Article 56, or makes false statements in its books;
- (iii) if the registered testing organization fails to make a report under the provisions of Article 58 or makes a false report;
- (iv) if the registered testing organization refuses, hinders, or evades an inspection under the provisions of Article 59, paragraph (1).

Article 74 A person falling under either of the following items is subject to a fine of not more than 300,000 yen:

- (i) a person that fails to make a report under the provisions of Article 24, paragraph (1) or makes a false report; that refuses, hinders, or evades an inspection under the provisions of that paragraph; that fails to answer questions under the provisions of that paragraph; or that gives false answers to the questions;
- (ii) a person that refuses, hinders, or evades an inspection or the taking of samples under the provisions of Article 61, paragraph (1) (including as applied *mutatis mutandis* pursuant to Article 63, paragraph (2)).

Article 75 If the representative of a corporation or the agent, employee, or other worker of a corporation or individual commits a violation as referred to in Article 72 or the preceding Article concerning the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is subject to the fine provided for in the Article in question.

Article 76 A person falling under either of the following items is subject to a civil fine of not more than 500,000 yen:

- (i) a person violating an order issued under the provisions of Article 32, paragraph (3), Article 34, paragraph (3), or Article 36, paragraph (4);



- (ii) a person violating the provisions of Article 33, paragraph (3), Article 35, paragraph (3), or Article 37.

Article 77 A person falling under either of the following items is subject to a civil fine of not more than 300,000 yen:

- (i) a person violating an order that is based on the provisions of Article 29, paragraph (2);
- (ii) a person violating the provisions of Article 33, paragraph (7), or Article 35, paragraph (10).

Article 78 A person falling under any of the following items is subject to a civil fine of not more than 200,000 yen:

- (i) a person that fails to keep books, make statements in books, or preserve books pursuant to the provisions of Article 35, paragraph (6), or that makes false statements in its books;
- (ii) a person that fails to make a report under the provisions of Article 38, paragraph (1) or makes a false report; that refuses, hinders, or evades an inspection under the provisions of that paragraph; that fails to answer questions under the provisions of that paragraph; or that gives false answers to those questions;
- (iii) a person that fails to keep a financial statement or business report or to include information that it is required to include in a financial statement or business report in violation of the provisions of Article 52, paragraph (1); that includes false information in a financial statement or business report; or that refuses a request under the provisions of items of paragraph (2) of that Article without a legitimate reason to do so.

### **Supplementary Provisions [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date prescribed by Cabinet Order within a period not exceeding nine months from the date of promulgation; provided, however, that the provisions of Article 9, and Articles 8 through 19 of the Supplementary Provisions come into effect on the date prescribed by Cabinet Order within a period not exceeding two years from the date of promulgation.

(Repeal of the Nutrition Improvement Act)

Article 2 The Nutrition Improvement Act (Act No. 248 of 1952) is hereby repealed.

(Transitional Measures)

Article 3 A person that has in place a specified food service facility that exists at the time when this Act comes into effect may continue to do business without filing the notification referred to in Article 20, paragraph (1) until the last day in the three-month period that follows the date on which this Act comes into effect (hereinafter referred to as the "effective date").

Article 4 Unless otherwise provided in these Supplementary Provisions, an administrative disposition such as permission or approval or a process such as the filing of an application that has been undertaken prior to the effective date pursuant to the provisions of the Nutrition Improvement Act before its repeal under Article 2 of these Supplementary Provisions is deemed to be an administrative disposition such as permission or approval or a process such as the filing of an application that has been undertaken pursuant to the corresponding provisions of this Act.

(Transitional Measures for Penal Provisions)

Article 5 Prior laws continue to govern the applicability of penal provisions to actions which a person takes before the effective date.

(Delegation to Cabinet Order)

Article 6 Beyond what is provided for in the preceding three Articles, Cabinet Order prescribes the necessary transitional measures occasioned by this Act's entry into effect.

(Reviews)

Article 7 Once five years have passed after this Act's entry into effect, if the government finds it to be necessary to do so in consideration of the status of this Act's entry into effect, it is to review the provisions of this Act and take the necessary measures based on the result of its review.

**Supplementary Provisions [Act No. 55 of May 30, 2003 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date prescribed by Cabinet Order within a period not exceeding three months from the date of promulgation; provided, however, that the provisions set forth in the following items come into effect on the dates prescribed in each of those items:

(i) and (ii) omitted

(iii) the provisions of Article 2 (excluding the amended provisions set forth in the following item), Article 6 (excluding the amended provisions set forth in

the following item), Article 8 (excluding the amended provisions set forth in the following item), and Article 10, and the provisions of Articles 2 through 5, Article 8, Articles 16 through 18, Articles 21 through 26, Article 31, Article 33, and Article 35: the date prescribed by Cabinet Order within a period not exceeding nine months from the date of promulgation.

### **Supplementary Provisions [Act No. 56 of May 30, 2003]**

(Effective Date)

Article 1 This Act comes into effect on the date prescribed by Cabinet Order within a period not exceeding nine months from the date of promulgation; provided, however, that the provisions that amend the table of contents (excluding the part revising "Article 39" to "Article 40"), the provisions that amend the title of Chapter VI, the provisions that add two Articles after Article 32, the provisions that amend Article 33, the provisions that add one Article after Article 36, and the provisions of Article 3 of the Supplementary Provisions come into effect on the date prescribed by Cabinet Order within a period not exceeding three months from the date of promulgation.

(Preparation Before Entry into Effect)

Article 2 A person seeking the registration under Article 26, paragraph (3) of the Health Promotion Act (hereinafter referred to as the "new Act") as amended by this Act may apply for it even before this Act comes into effect. The same applies to an application for authorization for the testing operations rules under the provisions of Article 26-8, paragraph (1) of the new Act.

(Delegation to Cabinet Order)

Article 3 Beyond what is provided for in the preceding Article, Cabinet Order prescribes the transitional measures that become necessary in connection with this Act's entry into effect.

(Reviews)

Article 4 Once five years have passed after this Act's entry into effect, if the government finds it to be necessary to do so in consideration of the status of this Act's entry into effect, it is to review the provisions of this Act and take the necessary measures based on the result of its review.

### **Supplementary Provisions [Act No. 77 of June 29, 2005 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2006.

(Transitional Measures for Penal Provisions)

Article 55 Prior laws continue to govern the applicability of penal provisions to actions that a person takes before this Act comes into effect, and to actions that a person takes after this Act comes into effect in a situation that the provisions of Article 9 of these Supplementary Provisions prescribe as continuing to be governed by prior laws.

**Supplementary Provisions [Act No. 87 of July 26, 2005 Extract] [Extract]**

This Act comes into effect on the date on which the Companies Act comes into effect.

**Supplementary Provisions [Act No. 83 of June 21, 2006 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on October 1, 2006; provided, however, that the provisions set forth in the following items come into effect on the dates specified respectively in those items:

- (i) the provisions of Article 10, and Article 4, Articles 33 through 36, Article 52, paragraphs (1) and (2), Article 105, Article 124, and Articles 131 through 133 of the Supplementary Provisions: the date of promulgation;
- (ii) and (iii) omitted
- (iv) the provisions of Article 3, Article 7, Article 13, Article 16, Article 19 and Article 24, and the provisions of Article 2, paragraph (2), Articles 37 through 39, Article 41, Article 42, Article 44, Article 57, Article 66, Article 75, Article 76, Article 78, Article 79, Article 81, Article 84, Article 85, Article 87, Article 89, Articles 93 through 95, Articles 97 through 100, Article 103, Article 109, Article 114, Article 117, Article 120, Article 123, Article 126, Article 128 and Article 130 of the Supplementary Provisions: April 1, 2008;
- (v) the provisions of Article 4, Article 8, and Article 25, and the provisions of Article 16, Article 17, Article 18, paragraphs (1) and (2), Articles 19 through 31, Article 80, Article 82, Article 88, Article 92, Article 101, Article 104, Article 107, Article 108, Article 115, Article 116, Article 118, Article 121 and Article 129 of the Supplementary Provisions: October 1, 2008.

(Transitional Measures for Penal Provisions)

Article 131 Prior laws continue to govern the applicability of penal provisions to actions that a person takes before this Act comes into effect (or, for the provisions set forth in items of Article 1 of these Supplementary Provisions, each relevant provision; hereinafter the same applies in this paragraph); to

actions that a person takes after this act comes into effect in a situation that the provisions of these Supplementary Provisions prescribe as continuing to be governed by prior laws or in a situation regarding which the provisions of these Supplementary Provisions provide that prior laws remain in effect; and to actions that a person takes before the loss of effect of the provisions of the Act prescribed in paragraph (1) of the preceding Article that the provisions of that paragraph provide remain in effect after this Act comes into effect.

(Transitional Measures for Dispositions and Procedures)

Article 132 (1) Unless otherwise provided in these Supplementary Provisions, a disposition, procedure, or other action taken pursuant to the provisions of one of the relevant laws prior to amendment before this Act comes into effect (including orders issued thereunder; hereinafter the same applies in this Article), for which corresponding provisions exist in the amended law is deemed to be a disposition, procedure, or other action taken pursuant to the corresponding provisions of that amended law.

(2) Unless otherwise prescribed in this Act or in an order based on this Act, a particular in connection with which, prior to this Act's entry into effect, a person must file a notification or undertake any other such procedure pursuant to the provisions of one of the relevant Acts before its amendment by this Act, but in connection with which that procedure has not been undertaken before the day on which this Act comes into effect is deemed to be one for which that procedure has not been undertaken pursuant to the corresponding provisions of the amended Act in question, and the provisions of that amended Act apply.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 133 Beyond what is provided in Article 3 through the preceding Article of the Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures occasioned by this Act's entry into effect.

### **Supplementary Provisions [Act No. 30 of April 23, 2007 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date of promulgation; provided, however, that the provisions set forth in the following items come into effect on the dates specified respectively in those items:

(i) and (ii) omitted

(iii) the provisions of Article 2, Article 4, Article 6, and Article 8, and the provisions of Article 27, Article 28, Article 29, paragraphs (1) and (2), Articles 30 through 50, Articles 54 through 60, Article 62, Article 64, Article 65, Article 67, Article 68, Articles 71 through 73, Articles 77 through 80,

Article 82, Article 84, Article 85, Article 90, Article 94, Articles 96 through 100, Article 103, Articles 115 through 118, Article 120, Article 121, Articles 123 through 125, Article 128, Articles 130 through 134, Article 137, Article 139 and Article 139-2 of the Supplementary Provisions: the date on which the Japan Pension Organization Act comes into effect.

(Transitional Measures for Penal Provisions)

Article 141 Prior laws continue to govern the applicability of penal provisions to actions that a person takes before this Act comes into effect (or, for the provisions set forth in items of Article 1 of these Supplementary Provisions, each relevant provision; hereinafter the same applies in this paragraph), and to actions that a person takes after this Act comes into effect in a situation that the provisions of these Supplementary Provisions prescribe as continuing to be governed by prior laws.

(Delegation to Cabinet Order)

Article 143 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures occasioned by this Act's entry into effect.

#### **Supplementary Provisions [Act No. 109 of July 6, 2007 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date prescribed by Cabinet Order in a period not later than April 1, 2010; provided, however, that the provisions set forth in the following items come into effect on the dates specified respectively in those items:

(i) the provisions of Articles 3 through 6, Article 8, Article 9, Article 12, paragraphs (3) and (4), Article 29, and Article 36 of the Supplementary Provisions, the provisions of Article 63 of the Supplementary Provisions that amend Article 18, paragraph (1) of the Supplementary Provisions of the Act for Partial Revision of the Health Insurance Act, etc. (Act No. 83 of 2006), the provisions of Article 64 of the Supplementary Provisions that amend the provisions of Article 23, paragraph (1), Article 67, paragraph (1) and Article 191 of the Supplementary Provisions of the Act on Special Accounts (Act No. 23 of 2007), and the provisions of Article 66 and Article 75 of the Supplementary Provisions: the date of promulgation.

#### **Supplementary Provisions [Act No. 111 of July 6, 2007 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date of promulgation.

**Supplementary Provisions [Act No. 73 of June 18, 2008 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2009.

**Supplementary Provisions [Act No. 49 of June 5, 2009 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date on which the Act for the Establishment of the Consumer Affairs Agency and the Consumer Commission (Act No. 48 of 2009) comes into effect; provided, however, that the provisions set forth in the following items come into effect on the dates specified respectively in those items:

- (i) the provisions of Article 9 of the Supplementary Provisions: the date of promulgation of this Act;

(Transitional Measures for Dispositions, Applications, and Other Actions)

Article 4 (1) Beyond as otherwise provided by a law or regulation, licensure, permission, authorization, approval, designation, or any other such disposition, or the issuance of a notice or any other such action that has been taken, before this Act comes into effect, pursuant to the provisions of one of the relevant Acts before its amendment by this Act (or pursuant to the provisions of an order based upon one of those Acts; hereinafter referred to as a "former Act or order") is deemed to be licensure, permission, authorization, approval, designation, or any other such disposition, or the issuance of a notice or any other such action that has been taken pursuant to the corresponding provisions of the relevant amended Act (or pursuant to the provisions of an order based upon one of those amended Acts; hereinafter referred to as a "new Act or order") after this Act's entry into effect.

- (2) Beyond as otherwise provided by a law or regulation, the filing of a licensing application, the filing of a notification, or any other such action that has been taken pursuant to the provisions of a former Act or order by the time this Act comes into effect is deemed to be the filing of a licensing application, the filing of a notification, or any other such action that has been taken pursuant to the corresponding provisions of a new Act or order after this Act comes into effect.
- (3) Beyond as otherwise provided by a law or regulation, information that, before this Act comes into effect, a person must report, file, submit, or undertake any other such process for pursuant to the provisions of a former Act or order, but for which that process has not been undertaken before the effective date of this

Act, is deemed to be information that a person must report, file, submit, or undertake any other such process for pursuant to the corresponding provisions of a new Act or order after this Act comes into effect, but for which that process has not been undertaken; and the provisions of a new Act or order apply.

(Transitional Measures Related to the Effect of Orders)

Article 5 Unless otherwise provided by a law or regulation, a Cabinet Office Order as referred to in Article 7, paragraph 3 of the Act for the Establishment of the Cabinet Office or a Ministerial Order as referred to in Article 12, paragraph (1) of the National Government Organization Act that has been issued pursuant to the provisions of a former Act or order is to be effective as the corresponding Cabinet Office Order referred to in Article 7, paragraph (3) of the Act for the Establishment of the Cabinet Office or Ministerial Order as referred to in Article 12, paragraph (1) of the National Government Organization Act that has been issued pursuant to the corresponding provisions of the new Act or order after this Act comes into effect.

(Transitional Measures Related to the Application of Penal Provisions)

Article 8 Prior laws continue to govern the applicability of penal provisions to actions that a person takes before this Act comes into effect, and to actions that a person takes after this Act comes into effect in a situation that the provisions of these Supplementary Provisions prescribe as continuing to be governed by prior laws.

(Delegation to Cabinet Order)

Article 9 Beyond what is provided in Article 2 through the preceding Article of the Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures related to this Act's entry into effect (including transitional measures for penal provisions).

### **Supplementary Provisions [Act No. 72 of June 22, 2011 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2012; provided, however, that the provisions set forth in the following items come into effect on the dates specified respectively in those items:

- (i) the provisions of Article 2 (limited to the provisions that amend the table of contents of the Act on Social Welfare for the Elderly, the provisions that delete Chapter IV-2 of that Act, the provisions that change Chapter IV-3 to Chapter IV-2 of that Act, and the provisions that amend Article 40, item (i) of that Act (limited to the part that deletes the phrase "Article 28-12, item (i)



or")), Article 4, Article 6, and Article 7, and the provisions of Article 9, Article 11, Article 15, Article 22, Article 41, Article 47 (limited to the provisions that amend the proviso to Article 1 of the Supplementary Provisions of the Act on Special Fiscal Aid and Subsidies for Recovery from the Great East Japan Earthquake (Act No. 40 of 2011), the provisions that delete items of that Article, and the provisions that amend Article 14 of the Supplementary Provisions of that Act) and Articles 50 through 52 of the Supplementary Provisions: the date of promulgation;

(Reviews)

Article 2 Approximately five years after this Act's entry into effect, the government is to review the status of entry into effect of the provisions amended by the provisions of this Act, and is to take the necessary measures based on the result of the review if it finds this to be necessary.

(Transitional Measures for Penal Provisions)

Article 51 Prior laws continue to govern the applicability of penal provisions to actions a person takes before this Act comes into effect (or for the provisions set forth in Article 1, item (i) of these Supplementary Provisions, before the relevant provisions come into effect).

(Delegation to Cabinet Order)

Article 52 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures related to this Act's entry into effect (including transitional measures for penal provisions).

**Supplementary Provisions [Act No. 105 of August 30, 2011 Extract]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date of promulgation.

(Transitional Measures for Penal Provisions)

Article 81 Prior laws continue to govern the applicability of penal provisions to actions a person takes before this Act comes into effect (or for the provisions set forth in items of Article 1 of these Supplementary Provisions, before the relevant provisions come into effect; hereinafter the same applies in this Article), and to actions that a person takes after this Act comes into effect in a situation that the provisions of these Supplementary Provisions prescribe as continuing to be governed by prior laws.

(Delegation to Cabinet Order)

Article 82 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures related to this Act's entry into effect (including transitional measures for penal provisions).

**Supplementary Provisions [Act No. 70 of June 28, 2013 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date prescribed by Cabinet Order within a period not exceeding two years from the date of promulgation; provided, however, that the provisions of the following Article and Article 18 of the Supplementary Provisions come into effect on the date of promulgation.

(Transitional Measures)

Article 16 An administrative disposition or other such action that a person has taken before this Act comes into effect pursuant to the provisions of the Food Sanitation Act before its amendment by the provisions of Article 4 of these Supplementary Provisions, the Act on Standardization and Proper Quality Labeling of Agricultural and Forestry Products before its amendment by the provisions of Article 6 of these Supplementary Provisions, or the Health Promotion Act before its amendment by the provisions of Article 11 of these Supplementary Provisions, and for which corresponding provisions exist in this Act, is deemed to be an action that the person has taken pursuant to those corresponding provisions.

(Transitional Measures Related to the Application of Penal Provisions)

Article 17 Prior laws continue to govern the applicability of penal provisions to actions that a person takes before this Act comes into effect.

(Delegation to Cabinet Order)

Article 18 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures related to this Act's entry into effect.

**Supplementary Provisions [Act No. 38 of May 21, 2014 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date prescribed by Cabinet Order within a period not exceeding one year from the date of promulgation.

**Supplementary Provisions [Act No. 51 of June 4, 2014 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2015; provided, however, that the provisions set forth in the following items comes into effect on the dates specified respectively in those items:

(i) and (ii) omitted

(iii) the provisions of Articles 1 through 3, Article 34, and Article 35, and Article 16 of the Supplementary Provisions (limited to the amended provisions of Article 1, item (lxxxvi) of the Appended Table of the Registration and License Tax Act (Act No. 35 of 1967)): April 1, 2016.

(Transitional Measures for Dispositions, Applications, and Other Actions)

Article 7 (1) To apply the relevant Acts amended by this Act on and after the day this Act comes into effect, with the exception of what is prescribed in Article 2 of the Supplementary Provisions through the preceding Article and the provisions on transitional measures in the relevant Acts after their amendment (including orders thereunder), a disposition or any other such action regarding something such as permission that is taken, pursuant to one of the relevant Acts before its amendment, before this Act comes into effect (for the provisions set forth in items of Article 1 of these Supplementary Provisions, this means before those provisions come into effect; hereinafter the same applies in this Article and the following Article) (hereinafter referred to as a "disposition or other such action" in this paragraph), or the filing of an application or any other such action regarding something such as permission that is taken, pursuant to the provisions of one of the relevant Acts before its amendment, by the time this Act comes into effect (hereinafter referred to as an "application or other such action" in this paragraph), which involves an administrative function that will start to be carried out by a different person on the day on which this Act comes into effect, is deemed to be a disposition or other such action or an application or other such action that is taken pursuant to the corresponding provisions of the relevant Act after its amendment by this Act.

(2) Beyond as otherwise provided for in this Act and Cabinet Order based hereupon, information that, before this Act comes into effect, a person must report to, file with, submit to, or otherwise undertake a process for with the national government or a local government agency pursuant to one of the relevant Acts before its amendment by this Act, but for which that process has not been undertaken before the date on which this Act comes into force, is deemed to be information that a person must report to, file with, submit to, or undertake any other such process for with the national government or the corresponding agency of the local government pursuant to the corresponding provisions of the relevant Act after its amendment by this Act, but for which

that process has not been undertaken; and the relevant Act after its amendment by this Act applies.

(Transitional Measures for Penal Provisions)

Article 8 Prior laws continue to govern the applicability of penal provisions to actions that a person takes before this Act comes into effect.

(Delegation to Cabinet Order)

Article 9 Beyond what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures related to this Act's entry into effect (including transitional measures for penal provisions).

### **Supplementary Provisions [Act No. 67 of June 13, 2014 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date on which the Act Partially Amending the Act on General Rules for Incorporated Administrative Agencies (Act No. 66 of 2014; hereinafter referred to as the "Act Amending the Act on General Rules") comes into effect; provided, however, that the provisions set forth in the following items come into effect on the dates specified respectively in those items:

(i) the provisions of Article 14, paragraph (2), Article 18, and Article 30 of the Supplementary Provisions: the date of promulgation;

(Effect of Actions Such as Dispositions)

Article 28 Unless otherwise provided for by the Act in question (or by a Cabinet Order based on an Act), a disposition, procedure, or other action that was taken or should have been taken pursuant to the provisions of one of the relevant Acts before its amendment by this Act (including an order issued based on one of these) before this Act comes into effect, for which corresponding provisions exist in that Act as amended by this Act (including an order issued based on it; hereinafter referred to as the "new Act or order" in this Article) is deemed to be a disposition, procedure, or other action that was taken or should have been taken pursuant to the corresponding provisions of the new Act or order.

(Transitional Measures for Penal Provisions)

Article 29 Prior laws continue to govern the applicability of penal provisions to actions that a person takes before this Act comes into effect, and to actions that a person takes after this act comes into effect in a situation regarding which

the provisions of these Supplementary Provisions provide that prior laws remain in effect.

(Delegation of Other Transitional Measures to Cabinet Orders)

Article 30 Beyond what is provided for in Article 3 through the preceding Article of the Supplementary Provisions, Cabinet Order (or rules of the National Personnel Authority, for matters under the jurisdiction of the National Personnel Authority) prescribes the necessary transitional measures related to this Act's entry into effect (including transitional measures for penal provisions).

### **Supplementary Provisions [Act No. 69 of June 13, 2014 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date on which the Administrative Appeal Act (Act No. 68 of 2014) comes into effect.

(Principles of Transitional Measures)

Article 5 Unless otherwise provided in these Supplementary Provisions, prior laws continue to govern an appeal against a disposition or other such action by an administrative agency if that appeal concerns a disposition or other such action by an administrative agency that has been taken before this Act's entry into effect; prior laws also continue to govern an appeal against the inaction of an administrative agency if that appeal concerns the inaction of an administrative agency in connection with an application that was filed before this Act's entry into effect.

(Transitional Measures Related to Litigation)

Article 6 (1) Prior laws continue to govern the filing of an action regarding a matter for which, pursuant to the provisions of laws before their amendment by this Act, it is provided that an action may not be filed until after the matter has passed through an administrative agency's determination, decision, or other such action concerning an appeal, and for which the period of time during which an action must be filed has expired before this Act comes into effect without such an appeal having been filed (if it is prescribed that the appeal in question may not be filed until after the matter has passed through an administrative agency's determination, decision, or other such action concerning an appeal, this includes any matter for which the period of time during which an action must be filed has expired, without that other appeal having been filed, before this Act comes into effect).

(2) Prior laws continue to govern an action for revocation concerning a

disposition or other such action against which an objection has been filed pursuant to the provisions of laws before their amendment by the provisions of this Act (including cases that the provisions of the preceding Article prescribe as continuing to be governed by prior laws) and for which an action for revocation may not be filed until after a determination on a request for review has been made pursuant to the provisions of the laws amended by the provisions of this Act.

- (3) Prior laws continue to govern an action filed before this Act comes into effect concerning the revocation of a determination, decision, or other such action taken by an administrative agency concerning an appeal.

(Transitional Measures for Penal Provisions)

Article 9 Prior laws continue to govern the applicability of penal provisions to actions a person takes before this Act comes into effect, and to actions that a person takes after this Act comes into effect in a situation that the provisions of Article 5 or the preceding two Articles of these Supplementary Provisions prescribe as continuing to be governed by prior laws.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 10 Beyond what is provided for in Article 5 through the preceding Article of the Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures related to this Act's entry into effect (including transitional measures for penal provisions).

### **Supplementary Provisions [Act No. 41 of May 31, 2017 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2019; provided, however, that the provisions of the following Article and Article 48 of the Supplementary Provisions come into effect on the date of promulgation.

(Delegation to Cabinet Order)

Article 48 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures related to this Act's entry into effect.

### **Supplementary Provisions [Act No. 78 of July 25, 2018 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2020; provided, however, that the provisions set forth in the following items come into effect on the dates

specified respectively in those items:

- (i) the provisions of Article 7 of the Supplementary Provisions: the date of promulgation;
- (ii) the provisions of Article 1, and Article 11 of the Supplementary Provisions: the date prescribed by Cabinet Order within a period not exceeding six months from the date of promulgation;
- (iii) the provisions of Article 2, and Article 5, paragraph (1) and Article 6: the date prescribed by Cabinet Order within a period not exceeding one year and six months from the date of promulgation.

(Special Provisions on Existing Specified Eating and Drinking Facilities)

Article 2 (1) To apply the provisions of Article 29, paragraph (1), item (ii), Article 33 and Article 34 of the new Act to existing specified eating and drinking facilities during the period from the effective date of this Act to the date specified separately by law in consideration of awareness about the prevention of passive smoking (meaning passive smoking as provided in Article 28, item (iii) of the Health Promotion Act as amended pursuant to the provisions of Article 3 (hereinafter referred to as the "new Act"); hereinafter the same applies except for in Article 5, paragraph (1) of these Supplementary Provisions) and the status of efforts to prevent passive smoking in existing specified eating and drinking facilities, the terms and phrases set forth in the middle column of the table below in the provisions of the new Act set forth in the left-hand column of the same table are replaced with those set forth in the right-hand column of that table.

Article 29, paragraph (1), item (ii), (a), and the title of Article 33	smoking room	room where smoking is allowed
Article 33, paragraph (1)	part	all or a part
	that is exclusively for people to smoke in	that people may smoke in
Article 33, paragraph (2)	as an area that is exclusively for people to smoke in	as an area that people may smoke in
	this Section	this Article and paragraph (1) of the following Article
	smoking room sign	smoking allowed sign
Article 33, paragraph (2), item (i)	that is exclusively for people to smoke in	that people may smoke in
Article 33, paragraph (3)	smoking room sign	smoking allowed sign
	this Section	this Article and paragraph (1) of the following Article

	sign indicating that the facility has a smoking room	sign indicating that the facility has a room where smoking is allowed
Article 33, paragraph (3), item (i)	has a smoking room (	has a room where smoking is allowed (
	smoking room sign	smoking allowed sign
Article 33, paragraph (4)	smoking room	room where smoking is allowed
	this Section	this Article and the following Article
	facility that has a smoking room	facility that has a room where smoking is allowed
	of the smoking room	of the room where smoking is allowed
Article 33, paragraph (5)	facility that has a smoking room	facility that has a room where smoking is allowed
	the smoking rooms	the room where smoking is allowed
Article 33, paragraph (6)	facility that has a smoking room	facility that has a room where smoking is allowed
	constituting a smoking room	constituting a room where smoking is allowed
	that is exclusively for people to smoke in	that people may smoke in
	at the smoking room	at the room where smoking is allowed
	smoking room sign	smoking allowed sign
Article 33, paragraph (7)	facility that has smoking rooms	facility that has rooms where smoking is allowed
	constituting smoking rooms	constituting rooms where smoking is allowed
	that are exclusively for people to smoke in	that people may smoke in
	at the facility	at the facility
	signs indicating that the facility has smoking rooms	signs indicating that the facility has rooms where smoking is allowed
Title of Article 34	Facility That Has a Smoking Room	Facilities Provided with Smoking Allowed Rooms Facility That Has a Room Where Smoking Is Allowed



Article 34, paragraph (1)	in a facility that has a smoking room	in a facility that has a room where smoking is allowed
	of a smoking room	of a room where smoking is allowed
	at the smoking room	at the room where smoking is allowed
	smoking room sign	smoking allowed sign
	at the facility	at the facility
	sign indicating that the facility has a smoking room	sign indicating that the facility has a room where smoking is allowed
	smoking room	room where smoking is allowed
Article 34, paragraphs (2) and (3)	facility that has a smoking room	facility that has a room where smoking is allowed

- (2) The term "existing specified eating and drinking facility" referred to in the preceding paragraph means a type II facility (meaning a type II facility as provided in Article 28, item (vi) of the new Act) that is in existence as of the time this Act comes into effect, in which a restaurant, coffee shop, or other facility has been set up and business is taking place that allows customers to eat and drink (excluding a facility operated by either of the companies set forth in the following items or a facility with a floor area more than 100 square meters in the customer seating area):
- (i) a large company (meaning a company whose amount of stated capital or total amount of contributions is more than 50,000,000 yen; the same applies in the following item);
  - (ii) a company as follows whose amount of stated capital or total amount of contributions is 50,000,000 yen or less:
    - (a) a company in which a single large company holds at least one half of the total number of issued shares or total amount of contributions;
    - (b) a company in which large companies hold at least two thirds of the total number of issued shares or total amount of contributions (other than a company as set forth in (a)).
- (3) The managing authority (meaning the managing authority provided in Article 26 of the new Act; the same applies in paragraph (1) of the following Article and Article 4 of these Supplementary Provisions) of a facility with a room where smoking is allowed (meaning a facility with a room where smoking is allowed as provided in Article 33, paragraph (4) of the new Act following a deemed replacement of terms pursuant to the provisions of paragraph (1); hereinafter the same applies in this Article and Article 4, paragraph (2), item

- (iii) of these Supplementary Provisions) must prepare and keep documents prescribed by Order of the Ministry of Health, Labour and Welfare as documents proving that the facility falls under the category of an existing specified eating and drinking facility provided for in the preceding paragraph.
- (4) When the managing authority or manager (meaning the managing authority or manager provided for in Article 30, paragraph (1) of the new Act; the same applies in the following paragraph and paragraphs (2) and (3) of the following Article) of a facility with a room where smoking is allowed advertises or promotes the business of that facility, it must make it clear that the facility is a facility with a room where smoking is allowed, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (5) To the extent that is necessary to bring the provisions of this Article into effect, the prefectural governor (or the mayor of the city or the ward, for a city that has a health center or for a special ward; the same applies in paragraph (3) of the following paragraph) may have the managing authority or manager of a facility with a room where smoking is allowed report on the conditions of the facility and other necessary particulars, and may have a prefectural official enter the facility to inspect the status of the facility or books, documents, and other articles, or have such an official question the relevant persons.
- (6) An official conducting an on-site inspection or questioning pursuant to the provisions of the preceding paragraph must carry identification and present it to the relevant persons.
- (7) The authority under the provisions of paragraph (5) must not be construed as having been granted for the purpose of a criminal investigation.
- (8) A person falling under either of the following items is subject to a civil fine of not more than 200,000 yen:
- (i) a person that fails to prepare or keep documents under the provisions of paragraph (3);
  - (ii) a person that fails to make a report under the provisions of paragraph (5) or makes a false report; that refuses, hinders, or evades an inspection under the provisions of that paragraph; or that fails to answer questions under the provisions of that paragraph or gives false answers to the questions.

(Transitional Measures for Smoking Rooms Exclusively for Designated Tobacco)

Article 3 (1) To apply the provisions of Article 29, paragraph (1), Article 33 and Article 34 of the new Act to a type II facility or equivalent place provided for in Article 33, paragraph (1) of the new Act (hereinafter referred to as "type II facility or equivalent place" in this paragraph and paragraph (1), items (i) and (iv) of the following Article) if the managing authority of that type II facility or equivalent place seeks to designate an area that constitutes part of an indoor

or interior space of the type II facility or equivalent place as an area where people may smoke (meaning to smoke as provided in Article 28, item (ii) of the new Act) only designated tobacco (meaning tobacco as provided in Article 28, item (i) of the new Act (hereinafter referred to as "tobacco" in this paragraph) that the Minister of Health, Labour and Welfare designates as tobacco generating smoke (or vapor) whose potential harm to other persons' health is unclear; hereinafter the same applies in this paragraph), until otherwise provided by law, the terms and phrases set forth in the center column of the table below in the provisions of the new Act set forth in the left-hand column of that table are replaced by those set forth in the right-hand column of the table, in consideration of the scientific knowledge at the time of promulgation of this Act concerning the human health effects of passive smoking involving designated tobacco.

Article 29, paragraph (1), item (ii), (a), and item (v), and the title of Article 33	smoking room	smoking room for designated tobacco
Article 33, paragraph (1)	tobacco	designated tobacco (that the Minister of Health, Labour and Welfare designates as tobacco generating smoke (or vapor) whose potential harm to other persons' health is unclear; hereinafter the same applies in this paragraph)
	area that is exclusively for people to smoke in	area that people may smoke in (meaning smoking designated tobacco only; hereinafter the same applies in this Article)
Article 33, paragraph (2)	as an area that is exclusively for people to smoke in	as an area that people may smoke in
	this Section	this Article and paragraph (1) of the following Article
	smoking room sign	designated tobacco smoking room sign
Article 33, paragraph (2), item (i)	area that is exclusively for people to smoke in	area that people may smoke in
Article 33, paragraph (3)	smoking room sign	designated tobacco smoking room sign
	this Section	this Article and paragraph (1) of the following Article

	sign indicating that the facility has a smoking room	sign indicating that the facility has a smoking room for designated tobacco
Article 33, paragraph (3), item (i)	has a smoking room (	has a smoking room for designated tobacco (
	smoking room sign	designated tobacco smoking room sign
Article 33, paragraph (4)	smoking room	smoking room for designated tobacco
	this Section	this Article and the following Article
	facility that has a smoking room	facility that has a smoking room for designated tobacco
	of the smoking room	of the smoking room for designated tobacco
Article 33, paragraph (5)	facility that has a smoking room	facility that has a smoking room for designated tobacco
	the smoking room	the smoking room for designated tobacco
Article 33, paragraph (6)	facility that has a smoking room	facility that has a smoking room for designated tobacco
	constituting a smoking room	constituting a smoking room for designated tobacco
	that is exclusively for people to smoke in	that people may smoke in
	at the smoking room	at the smoking room for designated tobacco
	smoking room sign	designated tobacco smoking room sign
Article 33, paragraph (7)	facility that has smoking rooms	facility that has smoking rooms for designated tobacco
	constituting smoking rooms	constituting smoking rooms for designated tobacco
	exclusively for people to smoke in	for people to smoke in
	at the facility	at the facility
	signs indicating that the facility has smoking rooms	signs indicating that the facility has smoking rooms for designated tobacco
Title of Article 34	Facility That Has a Smoking Room	Facility That Has a Smoking Room for Designated Tobacco
Article 34, paragraph (1)	in a facility that has a smoking room	in a facility that has a smoking room for designated tobacco
	of a smoking room	of a smoking room for designated tobacco
	at the smoking room	at the smoking room for designated tobacco

	smoking room sign	designated tobacco smoking room sign
	at the facility	at the facility
	sign indicating that the facility has a smoking room	sign indicating that the facility has a smoking room for designated tobacco
	smoking room	smoking room for designated tobacco
Article 34, paragraphs (2) and (3)	facility that has a smoking room	facility that has a smoking room for designated tobacco

- (2) When the managing authority or manager of a facility that has a smoking room for designated tobacco (meaning a facility that has a smoking room for designated tobacco provided in Article 33, paragraph (4) of the new Act following a deemed replacement of terms pursuant to the provisions of the preceding paragraph; hereinafter the same applies in this Article and paragraph (2), item (iv) of the following Article) advertises or promotes the business of that facility, it must make it clear that the facility is a facility that has a smoking room for designated tobacco, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (3) To the extent that is necessary to bring the provisions of this Article into effect, the prefectural governor may have the managing authority or manager of a facility that has a smoking room for designated tobacco report on the status of the facility and other necessary matters, and may have a prefectural official enter a facility that has a smoking room for designated tobacco to inspect the status of the facility and the books, documents, and other articles, or have such an official question the relevant persons.
- (4) An official conducting an on-site inspection or questioning pursuant to the provisions of the preceding paragraph must carry identification and present it to the relevant persons.
- (5) The authority under the provisions of paragraph (3) must not be construed as having been granted for the purpose of a criminal investigation.
- (6) A person that fails to make a report under the provisions of paragraph (3) or makes a false report; that refuses, hinders, or evades an inspection under the provisions of that paragraph; or that fails to answer questions under the provisions of that paragraph or gives false answers to those questions is subject to a civil fine of not more than 200,000 yen.

(Transitional Measures Related to Restrictions on the Use of Signs)

Article 4 (1) Notwithstanding the provisions of Article 37, paragraph (1) of the new Act, it is prohibited for any person to post in a specified facility or equivalent place provided for in Article 27, paragraph (1) of the new Act

(hereinafter referred to as a "specified facility or equivalent place" in paragraph (2) of the following Article) a smoking room sign as provided in Article 33, paragraph (2) of the new Act (hereinafter referred to as a "smoking room sign" in this Article), sign indicating that the facility has a smoking room as provided in Article 33, paragraph (3) of the new Act (hereinafter referred to as a "sign indicating that the facility has a smoking room" in this Article), smoking lounge sign as provided in Article 35, paragraph (2) of the new Act (hereinafter referred to as a "smoking lounge sign" in this Article), sign indicating that the facility has a smoking lounge as provided in Article 35, paragraph (3) of the new Act (hereinafter referred to as a "sign indicating that the facility has a smoking lounge" in this Article), smoking allowed sign as provided in Article 33, paragraph (2) of the new Act following a deemed replacement of terms pursuant to the provisions of Article 2, paragraph (1) of these Supplementary Provisions (herein after referred to as a "smoking allowed sign" in this Article), sign indicating that the facility has a room where smoking is allowed as provided in Article 33, paragraph (3) of the new Act following a deemed replacement of terms pursuant to the provisions of Article 2, paragraph (1) of these Supplementary Provisions (hereinafter referred to as a "sign indicating that the facility has a room where smoking is allowed" in this Article), designated tobacco smoking room sign as provided in Article 33, paragraph (2) of the new Act following a deemed replacement of terms pursuant to the provisions of paragraph (1) of the preceding Article (hereinafter referred to as a "designated tobacco smoking room sign" in this Article), or sign indicating that the facility has a smoking room for designated tobacco as provided in Article 33, paragraph (3) of the new Act following a deemed replacement of terms pursuant to the provisions of paragraph (1) of the preceding Article (hereinafter referred to as a "sign indicating that the facility has a smoking room for designated tobacco" in this Article) (hereinafter any one of these signs is referred to as a "smoking sign" in this Article) or signs similar to a smoking sign, except in the following cases:

- (i) when the managing authority of a type II facility or equivalent place posts a smoking room sign pursuant to the provisions of Article 33, paragraph (2) of the new Act or a sign indicating that the facility has a smoking room pursuant to the provisions of paragraph (3) of that Article;
- (ii) when the managing authority of a facility for smokers as provided in Article 28, item (vii) of the new Act posts a smoking lounge sign pursuant to the provisions of Article 35, paragraph (2) of the new Act or a sign indicating that the facility has a smoking lounge pursuant to the provisions of paragraph (3) of that Article;
- (iii) when the managing authority of an existing specified eating and drinking facility as provided in Article 2, paragraph (2) of these Supplementary

Provisions posts a smoking allowed sign pursuant to the provisions of Article 33, paragraph (2) of the new Act following a deemed replacement of terms pursuant to Article 2, paragraph (1) of these Supplementary Provisions or a sign indicating that the facility has a room where smoking is allowed pursuant to the provisions of Article 33, paragraph (3) of the new Act following a deemed replacement of terms pursuant to the provisions of Article 2, paragraph (1) of these Supplementary Provisions;

- (iv) when the managing authority of a type II facility or equivalent place posts a designated tobacco smoking room sign pursuant to the provisions of Article 33, paragraph (2) of the new Act following a deemed replacement of terms pursuant to the provisions of paragraph (1) of the preceding Article or a sign indicating that the facility that has a smoking room for designated tobacco pursuant to the provisions of Article 33, paragraph (3) of the new Act following a deemed replacement of terms pursuant to the provisions of paragraph (1) of the preceding Article.
- (2) Notwithstanding the provisions of Article 37, paragraph (2) of the new Act, it is prohibited for any person to remove or deface a smoking sign or otherwise make it difficult to identify such a sign, except in the following cases:
- (i) if the managing authority of a facility that has a smoking room as provided in Article 33, paragraph (4) of the new Act removes a smoking room sign pursuant to the provisions of paragraph (6) of that Article or a sign indicating that the facility has a smoking room pursuant to the provisions of paragraph (7) of that Article, or removes a smoking room sign and a sign indicating that the facility has a smoking room as measures associated with a recommendation under the provisions of Article 34, paragraph (1) of the new Act or as measures based on an order under the provisions of paragraph (3) of that Article;
  - (ii) if the managing authority of a facility that has a smoking lounge as provided in Article 35, paragraph (4) of the new Act removes a smoking lounge sign pursuant to the provisions of paragraph (9) of that Article or a sign indicating that the facility has a smoking lounge pursuant to the provisions of paragraph (10) of that Article, or removes a smoking lounge sign and a sign indicating that the facility has a smoking lounge as measures associated with a recommendation under the provisions of Article 36, paragraph (1) or (2) of the new Act or as measures based on an order under the provisions of paragraph (4) of that Article;
  - (iii) if the managing authority of a facility with a room where smoking is allowed removes a smoking allowed sign pursuant to the provisions of Article 33, paragraph (6) following a deemed replacement of terms pursuant to the provisions of Article 2, paragraph (1) of these Supplementary Provisions or a sign indicating that the facility has a room where smoking is allowed

pursuant to the provisions of Article 33, paragraph (7) of the new Act following a deemed replacement of terms pursuant to the provisions of Article 2, paragraph (1) of these Supplementary Provisions, or removes a smoking allowed sign and a sign indicating that the facility has a room where smoking is allowed as measures associated with a recommendation under the provisions of Article 34, paragraph (1) of the new Act following a deemed replacement of terms pursuant to the provisions of Article 2, paragraph (1) of these Supplementary Provisions or as measures based on an order under the provisions of Article 34, paragraph (3) of the new Act following a deemed replacement of terms pursuant to the provisions of Article 2, paragraph (1) of these Supplementary Provisions;

(iv) if the managing authority of a facility that has a smoking room for designated tobacco removes a designated tobacco smoking room sign pursuant to the provisions of Article 33, paragraph (6) of the new Act following a deemed replacement of terms pursuant to the provisions of paragraph (1) of the preceding Article or a sign indicating that the facility has a smoking room for designated tobacco pursuant to the provisions of Article 33, paragraph (7) of the new Act following a deemed replacement of terms pursuant to the provisions of paragraph (1) of the preceding Article, or removes a designated tobacco smoking room sign and a sign indicating that the facility has a smoking room for designated tobacco as measures associated with a recommendation under the provisions of Article 34, paragraph (1) of the new Act following a deemed replacement of terms pursuant to the provisions of paragraph (1) of the preceding Article or as measures based on an order under the provisions of Article 34, paragraph (3) of the new Act following a deemed replacement of terms pursuant to the provisions of paragraph (1) of the preceding Article.

(3) A person violating the positions of the preceding two paragraphs is subject to a civil fine of not more than 500,000 yen.

(Responsibilities of the Person Employing Persons Engaging in Operations at a Specified Facility or Equivalent Place)

Article 5 (1) A person employing persons who, at the time the provisions set forth in Article 1, item (iii) of these Supplementary Provisions come into effect, are engaging in operations at a specified facility as provided in Article 25-4, item (iv) of the Health Promotion Act as amended by the provisions of Article 2, must endeavor to take appropriate measures tailored to the actual conditions of the person employing those persons or of the specified facility, in order to prevent the persons engaging in those operations from having unwanted exposure to passive smoke (meaning exposure to passive smoke as provided in Article 25-4, item (iii) of the Health Promotion Act as amended by the



provisions of Article 2).

- (2) A person employing persons who, at the time this Act comes into effect, are engaging in operations at a specified facility or equivalent place (other than a type I facility as provided in Article 28, item (v) of the new Act) must endeavor to take appropriate measures tailored to the actual conditions of the person employing those persons or of the specified facility or equivalent place, in order to prevent the persons engaging in those operations from having unwanted exposure to passive smoke.

(Transitional Measures for Penal Provisions)

Article 6 Prior laws continue to govern the applicability of penal provisions to actions a person takes before this Act comes into effect (or for the provisions set forth in Article 1, item (iii) of these Supplementary Provisions, before the relevant provisions come into effect).

(Delegation to Cabinet Order)

Article 7 Beyond what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures related to this Act's entry into effect (including transitional measures for penal provisions).

(Reviews)

Article 8 Once five years have passed since this Act's entry into effect, the government is to review the extent to which the provisions amended by the provisions of this Act have entered into effect, and is to take the necessary measures based on the result of its review, if it finds this to be necessary.

### **Supplementary Provisions [Act No. 26 of June 7, 2019 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date of promulgation; provided, however, that the provisions set forth in the following items come into effect on the dates specified respectively in those items:

- (i) the provisions of Article 1 and Article 3, and the provisions of Article 6 (limited to the provisions that amend the Appended Table 1 of the Health Promotion Act (Act No. 103 of 2002)) and Article 8 of the Supplementary Provisions: the day that falls three months after the date of promulgation;

(Delegation to Cabinet Order)

Article 4 Beyond what is provided for in the preceding two Articles, Cabinet Order prescribes the necessary transitional measures related to this Act's

entry into effect (including transitional measures for penal provisions).

(Partial Amendment of the Act Partially Amending the Health Promotion Act)  
Article 8 The Act Partially Amending the Health Promotion Act (Act No. 78 of 2018) is partially amended as follows:

In the provisions of Article 3 that amend Article 34 of the Health Promotion Act, the phrase "change Article 26, paragraph (2) to Article 43, paragraph (2)" is deleted, and in those provisions that amend Article 29, paragraph (2) of that Act, the word "to" is amended to "of," and the phrases "change Article 27, paragraph (1) to Article 61, paragraph (1)" and "delete the phrase 'change Article 26, paragraph (6) in item (i) of the preceding Article to Article 26, paragraph (6) as applied mutatis mutandis pursuant to paragraph (2) of the following Article'" are deleted.

In the provisions of Article 9 of the Supplementary Provisions that amend the paragraph on the Health Promotion Act (Act No. 103 of 2002) of the Appended Table 1 of the Local Autonomy Act, the phrases "Article 26, paragraph (2) and" and "Article 43, paragraph (2) and" are deleted.

Appended Table (related to Article 46)

1. Centrifuge separator	The person must fall under any of the following items:	Three persons falling under any of items (i) through (iii) of the middle column, and three persons falling under any of items (iv) to (vi) of that column
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2. Water purifying apparatus	(i) a person who has graduated from a university (excluding a junior college) under the School Education Act (Act No. 26 of 1947), a university under the former University Order (Imperial Order No. 388 of 1918), or a vocational training school under the former Vocational Training School Order (Imperial Order No. 61 of 1903) after completing a course in medical science, dentistry, pharmacy, veterinary medicine, animal science, fisheries science, agricultural chemistry or applied chemistry, or a course equivalent thereto, and has experience of being engaged in services for physicochemical inspections for at least one year;	
3. Deep freezer	(ii) a person who has graduated from a junior college under the School Education Act (including the first semester of a professional university under that Act, and in this case, a person who has completed that semester) or a college of technology under that Act after completing a course in industrial chemistry or a course equivalent thereto, and has experience of being engaged in services for physicochemical inspections for at least three years;	
4. Homogenizer	(iii) a person who has knowledge and experience equivalent to or greater than that of persons set forth in the preceding two items;	

<p>5. Gas chromatograph</p>	<p>(iv) a person who has graduated from a university (excluding a junior college) under the School Education Act, a university under the former University Order or a vocational training school under the former Vocational Training School Order after completing a course in medical science, dentistry, pharmacy, veterinary medicine, animal science, fisheries science, agricultural chemistry or biology, or a course equivalent thereto, and has experience of being engaged in services for bacteriological inspections for at least one year;</p>	
<p>6. Atomic absorption photometer</p>	<p>(v) a person who has graduated from a junior college under the School Education Act (including the first semester of a professional university under that Act, and in this case, a person who has completed that semester) or a college of technology under that Act after completing a course in biology or a course equivalent thereto, and has experience of being engaged in services for bacteriological inspections for at least three years; or</p>	
<p>7. High performance liquid chromatograph</p>	<p>(vi) a person who has knowledge and experience equivalent to or greater than that of persons set forth in the preceding two items;</p>	
<p>8. Dry heat sterilizer 9. Optical microscope 10. Autoclave 11. Incubator</p>		