

新型インフルエンザ等対策特別措置法及び内閣法の一部を改正する法律の概要

(令和5年法律第14号)

改正の趣旨

- 新型コロナウイルス感染症への対応を踏まえ、感染症の発生及びまん延の防止に関する施策の総合調整等に関する機能を強化するため、感染症の発生及びまん延の初期段階から新型インフルエンザ等対策本部が迅速かつ確かな措置を講ずるための仕組み等を整備するとともに、内閣官房に当該施策の総合調整等に関する事務及び同対策本部等に関する事務を所掌する内閣感染症危機管理統括庁を設置する。

改正の概要

1. 新型インフルエンザ等対策特別措置法の一部改正

- ① 新型インフルエンザ等対策本部長（内閣総理大臣）の国の行政機関の長や都道府県知事等に対する指示権（※基本的対処方針に基づく総合調整に係る所要の措置が実施されない場合に可能）について、国民生活及び国民経済に甚大な影響を及ぼすおそれがある場合には、**新型インフルエンザ等対策本部**（以下「政府対策本部」という。）が設置された時から行うことができるよう、**発動可能時期を前倒しする**。
※現行法では、まん延防止等重点措置時（対象：都道府県知事）及び緊急事態宣言時（対象：国の行政機関の長や都道府県知事等）に限定されている。
- ② 新型インフルエンザ等のまん延時における地方公共団体の事務の代行等について、**感染症法**（感染症の予防及び感染症の患者に対する医療に関する法律）に根拠がある事務について、**政府対策本部が設置された時から行うことができるよう、要請可能時期及び対象事務を拡大する**。
※現行法では、特措法に根拠がある事務かつ緊急事態宣言時に限り、代行等が可能。
- ③ まん延防止等重点措置時及び緊急事態宣言時における事業者に対する要請等の実効性を確保するため、**事業者に対し命令を発出する際の「特に必要があると認めるとき」を法令上明確化する**。
- ④ 地方公共団体が感染拡大防止措置に係る財源を確保しやすくなるよう、**国庫補助負担率の嵩上げ規定及び地方債の発行に関する特例規定を設ける**。
- ⑤ **政府対策本部及び新型インフルエンザ等対策推進会議**（以下「推進会議」という。）の事務について、**内閣感染症危機管理統括庁が処理することとする旨を規定**する。

2. 内閣法の一部改正

- ① **内閣官房に、内閣感染症危機管理統括庁**（以下「統括庁」という。）を置く。
- ② **統括庁は、新型インフルエンザ等対策特別措置法に規定する政府行動計画の策定及び推進に関する事務、政府対策本部及び推進会議に関する事務並びに感染症の発生及びまん延の防止に関する行政各部の施策の統一保持上必要な企画及び立案並びに総合調整に関する事務をつかさどることとする**。
- ③ 統括庁に置かれる職
 - i) 統括庁に、内閣官房長官を助けて庁務を掌理する職として**内閣感染症危機管理監 1人**を置き、**内閣総理大臣が内閣官房副長官の中から指名する者をもって充てる**。
 - ii) 統括庁に、i) の職を助けて庁務を整理する職として**内閣感染症危機管理監補 1人**を置き、**内閣総理大臣が内閣官房副長官補の中から指名する者をもって充てる**。
 - iii) 統括庁に、i) 及び ii) の職を助け、命を受けて、統括庁の所掌事務に係る重要な政策に関する事務を総括整理し、及びその所掌事務のうち重要事項に係るものに参画する職として**内閣感染症危機管理対策官 1人**を置き、**厚生労働省の医務技監をもって充てる**。
- ④ **内閣危機管理監及び内閣官房副長官補は、臨時に命を受け、感染症に係る危機管理に関する事務について、統括庁の事務の処理に協力する旨の規定を設ける**。

等

施行期日

- 公布の日（令和5年4月28日）から起算して6月を超えない範囲内において政令で定める日（ただし、1.④は令和6年4月1日）

Purpose of the Amendment

- Considering the response to novel coronavirus infectious disease, and in order to strengthen the functions related to the overall coordination of measures concerning the prevention of the occurrence and spread of infectious diseases, the Government Countermeasures Headquarters for the Novel Influenza, etc. is to establish a system to take prompt and accurate measures in the early stages of an occurrence and spread of the infectious diseases as well as, establishing the Cabinet Agency for Infectious Disease Crisis Management within the Cabinet Secretariat to have jurisdiction over the affairs concerning the overall coordination of the measures and the affairs concerning of that Headquarters.

Summary of the Amendment

1. Partial Amendment of the Act on Special Measures Against Novel Influenza

- (1) The Chief of the Government Countermeasures Headquarters for the Novel Influenza, etc.(the Prime Minister) has the right to instruct the head of national administrative bodies and prefectural governors, (possible when the necessary measures related to comprehensive coordination based on the basic response policy are not implemented) when there is a risk of a significant impact on the national life and economy, and **this right can be exercised once the Government Countermeasures Headquarters for the Novel Influenza, etc.** (referred to below as the “Government Countermeasures Headquarters”) **is established.**
※Under current law, it is limited to the times when intensive measures for prevention of spread of infection are being taken (targets: Prefectural governors) and when a state of emergency is declared (targets: Head of the national administrative bodies, prefectural governors, etc.).
- (2) Regarding the delegation of local government’s affairs during the spread of novel influenza and other infectious diseases, **the period during which requests may be made and the scope of the affairs subject to such requests are to be expanded so that the delegation based on the Infectious Diseases Control Law** (Act on the Prevention of Infectious Diseases and Medical Care for Patients with Infectious Diseases) **may be made from the time when the Government Countermeasures Headquarters is established.**
※Under current law, delegation of affairs may be made only where it is grounded in the Special Measures Act and only during declaration of an emergency.
- (3) To ensure the effectiveness of requests to businesses during intensive measures for prevention of the spread and during declaration of an emergency, **meaning of the phrase of “when it is deemed particularly necessary” is explicitly provided for in legislation at the time of issuing orders to businesses.**
- (4) To make it easier for local governments to secure funding for measures to prevent the spread of infection, **provisions for increasing the national government's subsidy rate and special provisions regarding the issuance of local government bonds are to be established.**
- (5) **The affairs concerning Government Countermeasures Headquarters and the Council for the Promotion of Countermeasures against Novel Influenza, etc.** (referred to below as “Promotion Council”) **will be handled by the Cabinet Agency for Infectious Disease Crisis Management.**

2. Partial Amendment of the Cabinet Act

- (1) **The Cabinet Agency for Infectious Disease Crisis Management is to be established at the Cabinet Secretariat** (referred to below as " CAICM ").
- (2) **The CAICM is to be responsible for affairs concerning the formulation and promotion of the National Action Plan** prescribed in the Act on Special Measures Against Novel Influenza, **affairs concerning the Government Countermeasures Headquarters and the Promotion Council, and affairs related to planning, drafting, and comprehensive coordination necessary for maintaining the uniformity of policies of various administrative departments regarding the prevention of the occurrence and spread of infectious diseases.**
- (3) Positions assigned at the CAICM
 - (i) At the CAICM, **the Secretary General for Infectious Disease Crisis Management, Cabinet Secretariat is to be assigned as a position which assists the Chief Cabinet Secretary in managing the agency’s affairs, which position is designated by the Prime Minister from among the Deputy Chief Cabinet Secretaries.**
 - (ii) At the CAICM, the Deputy Secretary General for Infectious Disease Crisis Management, Cabinet is to be assigned as a position which assists the position of (i) above in coordinating the affairs of the agency, **which position is designated by the Prime Minister from among the Assistant Chief Cabinet Secretaries.**
 - (iii) At the CAICM, the Chief Medical Officer for Infectious Disease Crisis Management, Cabinet Secretariat is to be assigned as a position which assists the positions of (i) and (ii), under an order of the CAICM, in overseeing and coordinating affairs concerning important policy matters related to the agency's responsibilities and participates in matters of importance within its responsibilities, which position is served by **the Chief Medical and Global Health Officer of the Ministry of Health, Labour and Welfare.**
- (4) **The Deputy Chief Cabinet Secretary for Crisis Management and the Assistant Chief Cabinet Secretaries,** upon a temporary order, are to **cooperate with the CAICM** in handling affairs related to crisis management concerning infectious diseases. etc.

Effective Date

- The day specified by Cabinet Order within a period not exceeding 6 months from the date of promulgation (April 28, 2023), except that item 1. (4) is effective on April 1, 2024.