

Outline of the Act Partially Amending the Hotel Business Act and Other Acts to Develop a Business Environment to Support the Continued Business Activities of Businesses with Operations Related to the Environmental Health Industry, etc.

Outline of the Amendment

(Note: Content Including the Amendments by the House of Representatives)

In order to develop a business environment to support the continued business activities of businesses with operations related to the environmental health industry, in addition to enabling hotel business operators (“hotelier”) to request the cooperation of lodgers, etc. in measures to prevent the spread of infection, measures will also be taken, for example, to facilitate the procedures for business transfer.

Purport of the Amendment

1. The Measures to Prevent the Spread of Infectious Diseases and Renewed Efforts to Prevent Discrimination at Hotel Business Facilities (Hotel Business Act)

(1) Clarify the Reasons that Allow Lodging to be Refused from the Standpoint of Preventing the Spread of Infectious Diseases, etc.

i. Limited to the period in which a domestic outbreak of a specified infectious disease (*) is occurring, hotelier will be able to:

- request lodgers who exhibit symptoms of a specified infectious disease and others to provide the necessary cooperation to prevent the spread of infection, and to report on whether or not they are patients of a specified infectious disease; and
- request the other lodgers to provide the necessary cooperation to prevent the spread of infection of a specified infectious disease.

* Specified Infectious Disease: Class I Infectious Disease, Class II Infectious Disease, Novel Influenza Infection, etc., New Infectious Disease and Designated Infectious Disease for which provisions regarding hospitalization, etc. are applicable, under the Act on the Prevention of Infectious Diseases.

ii. Clearly state that the reason for denying lodging is that the lodger is “a specified infectious disease patient” (The reason before the Amendment was “if it is evident that the person seeking lodging has an infectious disease”).

iii. When the person seeking lodging repeatedly makes demands to the hotelier that have been specified by Order of the Ministry of Health, Labour and Welfare as having the risk of imposing an excessive burden on the hotelier and making it extremely difficult to offer lodging services to other lodgers, hoteliers can deny lodging to them.

(2) Renewed Efforts to Prevent Discrimination, etc.

i. In order to appropriately conduct the measures to prevent the spread of infection in the lodging facility, and to offer appropriate lodging services with special consideration given to the elderly and persons with disabilities, etc., the hotelier must make an effort to provide opportunities for employees to receive the necessary training.

ii. Taking into account the public nature of the hotel business, and also taking into consideration the situations of the person seeking lodging, the hotelier must be careful not to immoderately refuse lodging. In addition, when refusing lodging, the hotelier is to objectively decide whether or not a situation matches the legitimate reasons for refusing lodging, and should be prepared to provide a polite and detailed explanation when requested by the people who seek lodging.

iii. The Minister of Health, Labour and Welfare is to establish the necessary policy to enable hoteliers to take the appropriate measures, regarding requests to lodgers for cooperation with infection prevention measures and the reasons for refusing lodging, after hearing the opinions of persons with expert knowledge concerning infection, persons with expert knowledge and experience concerning the operations of the hotel business, and users of hotel business facilities.

iv. For the time being, when refusing lodging under any of (1), ii. or iii. above, the hotelier is to record the reason, etc.

2. Succession of the Status of Operator of Business Related to the Environmental Health Industry, etc. through Business Transfer (Food Sanitation Act, Barbers Act, Entertainment Facilities Act, Hotel Business Act, Public Bathhouses Act, Laundries Act, Cosmetologists Act, Poultry Slaughtering Business Control and Poultry Meat Inspection Act)

i. Regarding business transfer, the assignee will succeed to the status of the business operator without the need to obtain a new license; and

ii. For the time being, considering the status of the operations of the person who succeeded to the status of business operator under the provisions of i. above, during the period ranging from the day on which the person succeeded to the relevant status until 6 months have passed, the prefectural governor, etc. must conduct at least one investigation.

Effective Date

The day specified by Cabinet Order, within a period not exceeding six months from the date of promulgation.