

Purpose of revision

The revised law prohibits smoking in public facilities other than designated smoking areas in those facilities. It also stipulates measures to be taken by persons who have legal rights to manage facilities. The aim is to protect people who want to avoid getting exposed to second-hand tobacco smoke. Application of the rules depend on types of facilities used by many people.

【Basic idea 1】 Eliminate unwanted second-hand tobacco smoke

Protect people who want to avoid getting exposed to tobacco smoke indoors based on the facts that there are a certain number of smokers in the country and that environmental tobacco smoke is highly likely to damage non-smokers' health

【Basic idea 2】 Take extra action to protect children, people who have health issues and others since exposure to tobacco smoke may cause more serious health problems to them than to healthy adults

Step up measures to prevent exposure to second-hand tobacco smoke at the facilities used mainly by children under 20, people with health issues and others because second-hand tobacco smoke can have a significant impact on their health

【Basic idea 3】 Implement measures to prevent exposure to second-hand tobacco smoke based on types of facilities and areas set up within/outside those facilities

Prohibit smoking, designate smoking areas, oblige facility management to display a sign indicating where smoking is permitted, and take other measures based on types of facilities and areas set up within/outside those facilities, in order to eliminate unwanted second-hand smoking: who are the main users of facilities and what impact exposure to tobacco smoke will have on non-smokers' health shall be taken into consideration when implementing those measures

Take necessary steps for small-sized existing eateries so that they can continue business

Outline of revision

1. Responsibilities, etc. of the central and local governments

- (1) The central and local governments shall make efforts to comprehensively and effectively promote measures to prevent exposure to second-hand tobacco smoke smoking in order to protect people who want to avoid getting exposed to second-hand tobacco smoke.
- (2) The central, prefectural and municipal governments, persons who have legal rights to manage facilities used by a large number of people and others involved in such facilities shall work together to promote the above-mentioned measures comprehensively and effectively.
- (3) The central government shall strive to promote research and study necessary to formulate policies concerning the protection from exposure to tobacco smoke.

2. Prohibition of smoking facilities, etc. used by a large number of people

- (1) Smoking will be prohibited in facilities used by a large number of people, except in designated areas, according to types of facilities.
- (2) The Prefectural Governor (Mayor or Ward Mayor in municipal districts with public health centers. The same shall apply hereinafter.) may order a person who is in violation of (1) to stop smoking.

【Ban on indoor smoking (in principle) and rules for setting up smoking places】

		Transitional measures	
A	<u>Schools, hospitals, child welfare facilities, government offices</u> commercial or publicly operated vehicles/aircraft to transport passengers	No smoking (No smoking on site (* 1))	
B	Establishments used by a large number of people other than the above-mentioned facilities, commercial and publicly operated ships and boats /railways to transport passengers	Ban indoor smoking in principle (Smoking is permitted only within a smoking room (special rooms used exclusively by smokers))	Temporaly measures 【Heated tobacco product (* 2)】 Ban indoor smoking in principle (Smoking permitted only within a smoking room (eating and drinking are allowed in the room))
	Restaurants and bars		

※1 Smoking places can be set up outdoors where the necessary measures to prevent exposure to second-hand tobacco smoke are taken.

※2 Products designated by the Minister of Health, Labour and Welfare on the grounds that it is unclear whether or not the smoke from those products is harmful to health

※3 Except for companies where one large-scale company holds more than half the total number of outstanding shares and etc.

Note persons who have legal rights to manage facilities, etc. are required to post a sign indicating that smoking is allowed.

Note: set legal rules based on types of facilities that are used mainly for smoking—those facilities include public smoking places, tobacco shops and bars that meet certain conditions (selling tobacco face-to-face or through an individual supplier on the premises)

- (3) Places for people to stay, such as hotel rooms, are excluded from (1).
- (4) Persons under 20 years of age shall be prohibited from entering a room where smoking is allowed.
- (5) Persons who smoke outdoors or at home, etc., shall be aware of their surroundings to ensure that people who want to avoid unwanted exposure to second-hand tobacco smoke will not be subjected to passive smoking.

3. Responsibilities of persons who have legal rights to manage facilities

- (1) The management of facilities shall not install smoking instruments/equipment (such as ashtrays) in places where smoking is prohibited.
- (2) The Prefectural Governor may issue recommendations and orders, etc., if the management of facilities violates the smoking rules stated in the above (1).

4. Others

- (1) Persons who violate the provisions of the revised Health Promotion Act will be punished.
- (2) Employers shall seek appropriate measures to protect their staff from unwanted exposure to tobacco smoke if they continue to employ those staff members who are already involved in their work prior to the enforcement of the revised.
- (3) Five years after the revised Health Promotion Act takes into effect, the government will review regulations stipulated in the law, discuss how they work, and take necessary measures, if necessary, based on the results of the review.

Enforcement Date

On 1 April, 2020. (However, for 1. and 2. (5), the enforcement date will be specified by a Cabinet order within a period not exceeding 6 months after the announcement of the revised law. For the regulations on schools, hospitals, child welfare facilities and government offices stated as A in the above chart, the enforcement date will be specified by a Cabinet order within a period not exceeding 1 year and 6 months after the announcement)

How will the measures to prevent exposure to second-hand tobacco smoke change the current situation?

- The measures will help protect people from exposure to second-hand tobacco smoke, at least in facilities covered by the revised Health Promotion Act. This is because the revised law requires the facility management to prohibit smoking based on types of facilities and areas set up within/outside those facilities, and designate smoking spaces. It also obliges facility managers to put up a sign indicating where smoking is permitted.
- The measures are expected to raise the WHO's grading of Japan's efforts by one rank.

【Present】

【After the law takes effect】

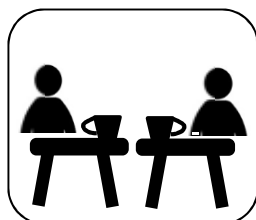
Schools, hospitals, child welfare facilities and etc.

○ No smoking on site

Smoking places can be set up outdoors where necessary measures to prevent exposure to second-hand tobacco smoke are taken.

【Offices】 【New or large-scale eating and drinking establishments, etc.】

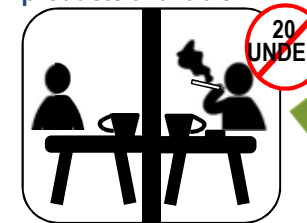
○ No smoking indoors



○ Designated smoking room available



○ Designated smoking room for smokers using heated tobacco products available



Offices, eateries and drinking establishments, etc.

Obligation to put up a sign

Measures to keep smoke from leaving the smoking room

Obligation to put up a sign



- Since it is difficult to define where people can smoke while keeping non-smokers completely away from second smoke,
 - non smokers may be exposed to secondhand smoke though they do not want to.
 - smokers may also unintentionally put non-smokers at risk of getting exposed to tobacco smoke.

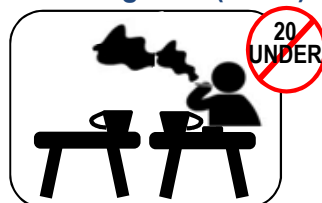
【Existing small-scale eating and drinking establishments】

(Individuals or small/medium-sized businesses (capitalized at up to 50 million yen) with up to 100 m² of customer space)



※ At every facility, persons under the age of 20, both customers and employees, are prohibited from entering areas where smoking is permitted.

○ Smoking area (room)



Obligation to put up a sign

○ No smoking indoors



If business owners take similar measures to keep smoke from leaving the smoking area as owners of new and large-scale eating and drinking establishments do for their smoking room, persons under the age of 20 are allowed to enter a non-smoking space of an establishment.

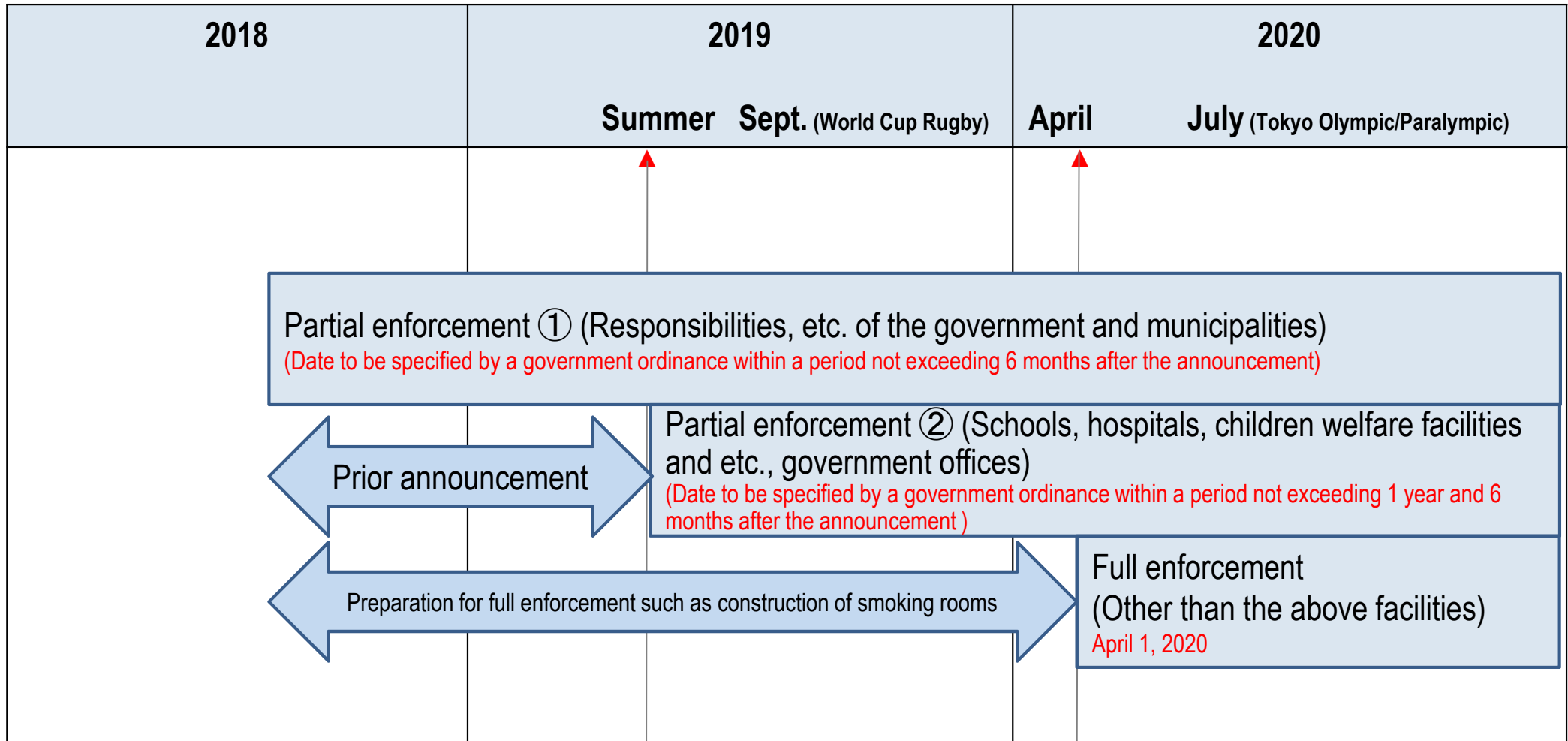
Once the law enters into force, the governments will provide existing small-scale restaurants and bars with assistance when they take steps to prevent exposure to second-hand tobacco smoke. More eating and drinking establishments are expected to open in stages.

Outdoors, home, etc.

○ Smokers have to be aware of their surroundings when smoking.

Enforcement schedule

○ Restrictions on smoking will be implemented in stages, coming into full force by April 2020 in time for the Tokyo Olympic and Paralympic Games. The measures will be in place based on types of facilities and areas set up within/outside those facilities.



Continue comprehensive efforts, including subsidies for businesses planning to set up a smoking area and tax incentives for those businesses