

2. Major Laws Enacted in FY 2009

Title: Act for Partial Revision of the Fire Service Act	
Promulgation Date: May 1, 2009	Enforcement Date: October 30, 2009
Law number: 34	Division: Guidance of Medical Service Division, Health Policy Bureau (Joint Administration with Ministry of Internal Affairs and Communications)
<p>1. Purpose In emergency transport services, some cases such as failing to promptly decide the transport destination and slowing of the time between the ambulance arrival at the destination and actual admission of the patient by the destination institution have been observed. In order to address such situations, how to ensure smooth transport and admission of emergency patients through cooperation of the Fire Service Department and the Medical Department is a problem of great importance.</p> <p>2. Outlines The administrative divisions of Japan are,</p> <ul style="list-style-type: none"> ① To establish the operation standards for transport and admission of emergency cases ② To set up a council consisting of representatives of fire and medical service institutions to discuss criteria of the service operation concerned 	

Title: Act for Partial Revision of the Welfare Pension Insurance Act to Reduce Delinquent Charge Concerning Social Security Premiums	
Promulgation Date: May 1, 2009	Enforcement Date: January 1, 2010
Law number: 36	Division: Pension Division, Pension Bureau
<p>1 Purpose of the law</p> <p>(1) Situation before the revision of the act</p> <ul style="list-style-type: none"> ○ Business owners are obligated to pay the monthly welfare pension premiums by the last day of the following month. If they fail to do so, the Social Insurance Office (*the current Pension Office) sends out the reminder. If payment is again failed by the date designated in the reminder (three weeks after the date of payment), they must pay the delinquent charge for the duration between the immediate next day of the due date of payment until the previous day of actual payment, with the annual rate of 14.6% (daily rate 0.04 yen) on the total insurance premiums. ○ As to the rate imposed on the delinquent charge of national taxes, a certain number of days (in the case of tax deduction at source, three months from notification of payment) are subject to the imposition of a reduced rate. <p>(2) Content of the revision</p> <ul style="list-style-type: none"> ○ In consideration of business owners who find it difficult to pay the Welfare Pension Security premiums under the effect of the on-going harshness of economic and social conditions, a certain number of days from the due payment date are subject to a reduced interest rate imposition on the delinquent charge. <p>2 Overview of the law</p> <p>(1) Reduced interest rate and the degree of reduction</p> <ul style="list-style-type: none"> ○ Following the case of the national tax, the amount of arrears for the three months after the due payment date shall be calculated by the following: the rate determined by "the standardized discount rate determined by the Bank of Japan on November 30 of the previous year +4% (4.3% in FY2010) <p>(2) The categories of insurance premiums subject to imposition of the reduced interest rates of a delinquent charge</p> <ul style="list-style-type: none"> ○ Health insurance premiums, contributions to child allowances, mariners insurance premiums, public servants mutual aid insurance premiums and labor insurance premiums are subject to imposition of the reduced interest rate on a delinquent charge, especially in regard with the nature of those insurance policies and objectives being in common with that of employees' pension insurance premiums in terms of business owners being widely liable for a wide range of burdens and payments. <p>As to the labor insurance premiums delinquent charge, the reduced rate is applied for as long as two months, considering the facts that it is collected once a year and on a basis of voluntary filing.</p>	

Title: Act Concerning Provision of Interest on Benefit Caused by the Delay in the Payment of Insurance Benefits of the Employees' Pension Insurance and the National Pension Benefits	
Promulgation Date: May 1, 2009	Enforcement Date: Date designated by a cabinet order within one year's time from the date of promulgation
Law number: 37	Division: Pension Division, Pension Bureau
<p>1 Purpose of the law</p> <ul style="list-style-type: none"> ○ In the light of seriousness and urgency of the pension record issue and to restore people's reliability on the public pension system swiftly, the special interest shall be paid on benefits, whose payment is delayed long, to meet the present value in case that pension records are corrected and decision on the right of receiving benefits is made. <p>2 Overview of the law</p> <ul style="list-style-type: none"> ○ The secretary of Social Insurance Agency shall pay the calculated amount pursuant to a cabinet order in consideration of prices from the original due date until the actual payment date based on the total amount of the pension benefits supposed to be paid in the past to the person with the right of receiving benefits in accordance with the decision in case that the person is awarded or re-awarded of the right of receiving benefits after the pension record correction on and after the enforcement date (only for the pension benefits paid pursuant to the special act on the prescription). ○ Special interest on benefit shall be paid to those who are awarded or re-awarded before the enforcement date (paid to the spouse in case of death of the person) as above. However, the special interest on benefit for those who have already received pension benefits, which should have been paid in the past, shall be paid based on their claim (those who received pension benefits, that should have been paid in the past, from the promulgation date to a day before the enforcement date are acknowledged that they have claimed for the special interest on benefit). 	

Title: Act for Partial Revision of the Act on Stable Supply of Housing for the Elderly	
Promulgation Date: May 20, 2009	Enforcement Date: May 19, 2010
Law number: 38	Division: Division of the Support for the Elderly, Health and Welfare Bureau for the Elderly
<p>1 Purpose of the law</p> <p>Intensifying the measures to secure housing and care suitable for the situation of the elderly and service of living support, the revision shall be carried out for expansion and improvement of the basic policy, establishment of a housing security plan for the elderly by prefectures, provision and promotion of superior rental housing unified with a living support facility, improvement of the system of rental housing readily available to the elderly.</p> <p>2 Overview of the act revision, etc.</p> <p>(1) Expansion and improvement of the basic policy</p> <p>The basic policy, which used to be formulated by Minister of Land, Infrastructure, Transport and Tourism alone, shall be jointly formulated by Minister of Land, Infrastructure, Transport and Tourism and Ministry of Health, Labour and Welfare, and provisions for nursing home for the elderly, elderly housing and living support system were added.</p> <p>(2) Establishment of establishment of a housing security plan for the elderly by prefectures</p> <p>Under the basic policy formulated by the national government, prefectures shall establish a plan stipulating objectives of provision of rental housing for the elderly and nursing homes for the elderly.</p> <p>(3) Promotion of provision of superior rental housing for the elderly unified with elderly living support facility</p> <p>① Resilience of establishment and management</p> <p>Superior rental housing for the elderly constructed with a housing and living support facility for the elderly shall be possible to be rented as a group home for the elderly with dementia</p> <p>② Establishment of a subsidy system for elderly living support facilities</p> <p>Elderly living support facility (day service centers, community centers, etc.) constructed with superior rental housing for the elderly or a public apartment complex shall be subsidized directly by the national government without a burden of local governments. A system shall be established to collect ideas of model projects on housing for the elderly from the public and to provide them with the national government support.</p> <p>③ Expansion and improvement of the preferential tax treatment</p> <p>Expansion and improvement shall be carried out for additional refunds for the income tax and corporation tax of superior rental housing for the elderly constructed with housing and living support service for the elderly</p> <p>(4) System improvement of rental housing readily available to the elderly</p> <p>Registration standards shall be established for rental housing readily available to the elderly and the prefectural governor's authority over instruction and supervision shall be intensified.</p> <p>(5) Promotion of barrier-free modification of privately owned residences</p> <ul style="list-style-type: none"> • Support measures for the tax system and budget shall be improved. • The tax system for barrier-free modification shall be extended and tax reduction system shall be established for a barrier-free modification work newly done and paid by a resident. The system of obtaining a loan of the expenses required for modifying a privately owned residence shall be reformed (to a reverse mortgage) so that the borrower pays only interest in the lifetime. <p>3. The date of enforcement</p> <ul style="list-style-type: none"> • (1) ~ (3) and (5) shall be enforced on August 19, 2009 • (4) shall be enforced on May 19, 2010 (application for registration shall be accepted from November 19, 2009 onward) 	

Title: Act for Partial Revision of the Act, etc. for Partial Revision of the National Pension Act, etc.	
Promulgation Date: June 26, 2009	Enforcement Date: The date of promulgation (applied from the FY 2009 national treasury impositions)
Law number: 62	Division: Pension Division, Pension Bureau
<p>1 Purpose of the law</p> <ul style="list-style-type: none"> Balancing the long-term benefit provision under the pension system and the burden sharing for the benefits, together with making the pension system sustainable as well as securing the future benefit standard (50% of after-tax income of the working generation) and people's reliability on the pension system, measures shall be taken to realize that the basic pension national treasury imposition rate as from FY2009 is 50%. <p>2 Overview of the law</p> <ul style="list-style-type: none"> The national treasury of FY2009 and FY2010 disburses the difference between the rate of 50% and the previous rate by utilizing exceptional money transferred from the Special Account for the Fiscal Investment and Loan Program to the general account pursuant to the Financial Resources Securing Law. Calculation of the amount of the Old Age Basic Pension shall be executed under the measure that the number of months during the period of total exemption in FY2009 and FY2010 is calculated at the rate of 50% of the number of premium paid months. Securing required stable resources by drastic tax reform pursuant to the provision of the Tax Reform Act, the basic pension national treasury imposition rate shall be perpetuated 50%. In the meantime, provisional legislative and financial measures shall be taken as above. Reinforcement of the minimum guaranteed functions of the basic pension shall be discussed and phased in implementing after securing stable resources to bear necessary expenses when legislated. 	

Title: Act for Partial Revision of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave and the Employment Insurance Act	
Promulgation Date: July 1, 2009	Enforcement Date: See below
Law number: 65	Division: Work and Family Harmonization Division, Equal Employment, Child and Families Bureau
<p>Contents</p> <p>1 Reconsideration of the way of working during a child-rearing period</p> <ol style="list-style-type: none"> Employers shall obligatorily establish a system of shortening working hours for employees rearing children under 3 years old, and exemption of overtime work when request by employees shall be institutionalized. Sick/Injured Child Care Leave system shall be expanded and improved (leave up to 5 days for on preschool child (same as the present law) and up to 10 days for 2 or more preschool children) <p>2 Realization of the fathers' way of working while rearing children</p> <ol style="list-style-type: none"> It shall be possible to have childcare leave of one year before the child become 1 year and 2months old (1 year old under the present law) in case that both the father and the mother have childcare leave (Mom and Dad Childcare Leave Plus) It shall be possible for fathers who had childcare leave within 8 weeks after childbirth to have childcare leave again. The system shall be abolished, under which workers whose spouse is a full-time homemaker cannot have childcare leave. ※Required revisions for childcare leave allowance shall be made together with the above. <p>3 Work and Family Care balance support</p> <p>The system of short-term leave for Family Care shall be established. (families with a person in Care requiring Condition can have leave of up to 5 days annually and families with 2 or more persons in Care requiring Condition care can have leave of up to 10 days annually)</p> <p>4 Securing effectiveness</p> <ol style="list-style-type: none"> The system shall be established to assist and mediate for the processing of complaints and dispute resolution. Disclosure system shall be established for the case that advice is not complied, and non-penal fine shall be established to those who do not obey an reporting order or make a false report <p>5 The date of enforcement</p> <p>June 30, 2010 (part of provisions for employers who constantly employ 100 employees or less shall be enforced on July 1, 2012). With regard to the above 4, "mediation" shall be enforced on April 1, 2010 and others on September 30, 2009.</p>	

Title: Act for Partial revision of the Organ Transplant Law	
Promulgation Date: July 17, 2009	Enforcement Date: July 17, 2009 (Only the following 3 was enforced on January 17, 2010)
Law number: 83	Division: Organ Transplant Measures Office, Specific Diseases Control Division, Health Service Bureau
<p>1. Revision of requirements for organ harvesting The case that organ can be removed for transplantation shall be prescribed in the following ① or ②.</p> <p>① In case that the brain-dead person has made his or her written declaration of being a donor and the family members do not reject it or he or she has no family (requirements under the existing law)</p> <p>② In case that the brain-dead person does not open his or her intention of being a donor, and the family members submit written consent.</p> <p>2. Revision of requirements for brain death diagnosis related to organ harvesting The case that brain death related to transplantation can be diagnosed shall be prescribed in the following ① or ②.</p> <p>① In case</p> <p>A that the brain-dead person has made his or her written declaration of being a donor, and</p> <p>B except that he or she has opened his or her intention of rejecting a brain death diagnosis, and the family members do not reject it or he or she does not have family</p> <p>② In case</p> <p>A that the brain-dead person has not opened his or her intention of being a donor, and</p> <p>B except that the brain-dead person has opened his or her intention of rejecting a brain death diagnosis, and the family members submit written consent to brain death diagnosis</p> <p>3. Priority donation to the relatives It shall be possible to make a written declaration of priority organ donation to the relatives together with opening the intention of being a donor.</p> <p>4. Dissemination and enlightenment The national and local governments shall take necessary measures for enlightenment of transplantation and dissemination of the information on it by implementing a measure that intension of being or not being a donor of organ(s) for transplantation after being diagnosed brain death can be entered on a driver's license and a health insurance certificate, etc.</p> <p>5. Discussion To prevent organ harvesting from brain-dead children, who died from abuse, the government shall take necessary measures on the basis of the result of confirmation by medical staff engaged in transplantation whether or not there is a possibility of child abuse and discussion on a policy for an appropriate approach in case that there is a possibility of child abuse.</p>	

Title: Basic Act on Measures against Hepatitis	
Promulgation Date: December 4, 2009	Enforcement Date: January 1, 2009
Law number: 97	Division: Hepatitis Measures Promotion Office, Specific Diseases Control Division, Health Service Bureau
<p>For the purpose of promoting hepatitis measures comprehensively,</p> <ul style="list-style-type: none"> • To stipulate basic principles for measures against hepatitis, • To clarify responsibilities of the national government, the local governments, medical insurers, citizens and the medical profession, • To formulate guidelines concerning promotion of measures against hepatitis, • To stipulate the basic items of hepatitis measures such as prevention, early detection, financial support for the expenses of the medical treatment, etc. 	

Title: Act for Special Measures Concerning Novel Influenza Vaccination Health Damage Relief, etc.	
Promulgation Date: December 4, 2009	Enforcement Date: December 4, 2009
Law number: 98	Division: Tuberculosis and Infectious Diseases Control Division, Health Service Bureau
<p>1 Purpose Benefits to relieve sufferers of novel influenza vaccination health damage shall be paid aiming at smooth administration of novel influenza vaccinations, and required measures shall be taken for the government's reparation for losses that manufacturers and distributors of exceptionally approved novel influenza vaccine incur.</p> <p>2 Overview</p> <p>(1) Minister of Health, Labour and Welfare shall pay benefits when a person who had a novel influenza vaccination suffers from a disease and becomes disable, or dies, and the said disease, disability or death is officially acknowledged as health damage caused by a novel influenza vaccination.</p> <p>(2) The Government shall be able to make an agreement with a manufacturer and a distributor of an exceptionally approved novel influenza vaccine as the other party in order to commit that the government can make reparation for losses of the said manufacture and distributor incurring as a result of payment of reparations for sufferers of vaccination health damage.</p>	

Title: Act Concerning Subsidies to the Fund for Resolution of Problems Related to Plaintiffs of Class-Action Suits for Official Recognition of Illness Caused by Atomic-Bomb Radiation	
Promulgation Date: December 9, 2009	Enforcement Date: April 1, 2010
Law number: 99	Division: General Affairs Division, Health Service Bureau
<p>【Purpose】 Considering that a revision concerning recognition to receive medical allowances under the Atomic Bomb Survivors Relief Law was made after class-action suits seeking for official recognition as sufferers of illness caused by atomic-bomb radiation were filed, necessary provisions shall be prescribed concerning subsidies for the fund to resolve problems related to the plaintiffs in the class-action suits seeking for official recognition as sufferers of illness caused by atomic-bomb radiation, considering the prolonged suit procedures, aging of the plaintiffs who are atomic bomb survivors and other situation, based on the contents of confirmation made among persons concerned regarding the basic policy for determination on the class-action suits on August 6, 2009.</p> <p>【Main contents】</p> <p>1 The government grants corporations, which support to resolve problems related to plaintiffs in the class-action suits seeking for official recognition as sufferers of illness caused by atomic-bomb radiation, a subsidy of part of expenses required for their support businesses.</p> <p>2 Subsidized corporations shall establish funds for the support businesses, and the total amount of the government and non-government subsidies shall be allocated for the funds.</p>	