

To the honorable Prefectural governors, Prefectural council chairpersons, City ordinance mayors, City ordinance council chairpersons

Please quickly enact the "regulations to prevent passive smoking" for a completely non-smoking environment

To gentlemen and ladies who implement important policies to promote health and healthy lifestyles—like measures against smoking, passive smoking, chronic obstructive pulmonary disease (COPD)—please quickly enact such regulations, and I humbly ask to submit related proposals and requests.

(I will also send these proposals and requests to municipalities that have already enacted regulations, but you may consider reviewing them.)

Chronicle

1. To supplement the provisions to prevent passive smoking from the Revised Health Promotion Act and Tokyo's regulations to prevent passive smoking, please quickly enact "regulations to prevent passive smoking" in your jurisdictions.

· As a first step, you should require a strict non-smoking policy for paid employees at the place of employment. Because this employee policy has already been implemented in Tokyo and Chiba city, it could be done in your jurisdictions as well.

· For restaurants that do not have paid employees, a transitional measure could be to strive for non-smoking policy at the present time, and then to determine whether it is desirable to set a mandatory non-smoking policy after 3 years.

As a legacy of the Osaka Expo in 2025, Osaka prefecture is also considering to enact these regulations, which have been proposed from the aforementioned Japan Society for Tobacco Control.)

The Society argues that if small restaurants with an area of less than 100 m² want keep smoking privileges for some customers, other customers who want to avoid smoke will move to non-smoking establishments. Thus, restaurants where smoking is permitted can witness a loss in customers and revenue, instead of expecting to maintain current levels.

For these smaller restaurants, both employees and non-smoking customers are in danger of higher concentration of passive smoke, given the smaller area. According to health policies, concentrations above a given limit are not permitted.

According to the Revised Health Promotion Act, about 70%-80% of people in large cities continue to have the ability to smoke in restaurants, implying that many non-smoking customers and employees are not protected from the dangers of passive smoking.

Using a supplementary resolution from the Health, Labor and Welfare Committee from both the House of Representatives and the House of Councilors, we are working towards implementing a completely non-smoking indoor policy without smoking rooms as required by the Framework Convention on Tobacco Control (FCTC), and working towards organizing and publicizing these issues. Although the resolution was officially implemented, the passive smoking exposure rate for non-smoking citizens and residents continues to be more than 84% according to a review after 5 years.

In 5 years, we want the international community and the nation to work towards a completely non-smoking policy, according to the Revised Health Promotion Act. To measure progress toward the goal of a completely non-smoking policy of establishments in your jurisdictions, including possible extension or exemption measures, I recommend a review after 5 years.

(Bars and a few other establishments currently have exemptions to a completely non-smoking policy, but in 3 years we will consider reviewing these exemptions.)

According to previous reports, if smoking is stopped at restaurants in your jurisdictions, business will not be negatively impacted and the number of customers should not decrease. In fact, the number of customers could increase, especially from non-smoking families.

2. When implementing the regulations, please create a subsidy system for small or individually managed stores to assist with the costs of renovation, demolition and construction.

(However, a subsidy system should not be used for renovating or constructing smoking rooms and outdoor smoking places.)

· To decrease the risks of passive smoking, it is better to make an establishment completely non-smoking indoors than to provide a separate "smoking-only room", even if renovation costs and demolition costs of existing smoking rooms are included. Without a separate smoking only room, there are lower maintenance costs and more space available for business operations. In other words, a completely non-smoking indoor policy is more economical. It is also more healthy because tobacco smoke is completely eliminated from the premises.

· For restaurants where smoking continues to be permitted; soot, tar or other harmful residue from tobacco smoke adheres to walls, ceilings, floors, curtains, tablecloths, napkins and other surfaces inside a store. Although many smokers might not notice, these residues emit smells and create a stench for more discerning noses initially unaffected by tobacco smoke (like pregnant women and children) or especially sensitive to tobacco smoke (like those who suffer from asthma). (This kind of smell or stench is part of environmental tobacco smoke and is commonly called "third hand smoke").

Therefore, to have fresh air free of tobacco smoke and to have low maintenance costs, I argue that a completely non-smoking indoor policy is superior. Furthermore, renovation and reconstruction costs of existing facilities, including the demolition expenses of smoking rooms, can be kept low through subsidies.

· For example, Chiba city implemented such a policy in September 2018 with a supplementary budget.

<http://www.city.chiba.jp/somu/shichokoshitsu/hisho/hodo/documents/180903-1-3.pdf>

<http://www.city.chiba.jp/hokenfukushi/kenkou/kikaku/30jigvousyasien.html>

Subsidy for implementing no smoking indoors

Targeted establishments: existing small restaurants (less than 100 m² in seating area and less than 50 million yen in capital)

Targeted expenses: those required for the removal of smoking rooms

Subsidy rate 9/10 (maximum 100,000 yen)

· Tottori prefecture also approve a partial subsidy of the renovation costs for existing small restaurants that switched to a completely non-smoking policy.

http://db.pref.tottori.jp/yosan/30Yosan_Koukai.nsf/55083148a0850f7d492578e60018079f/4938db0a021cc98f492582fe002c6830?OpenDocument

<https://notobacco.jp/pslaw/tottorijosei18.pdf>

(a) Assistance for establishments that implement a non-smoking policy

Establishments that renovate to implement a completely non-smoking policy

(Partial subsidies for the expenses of renovating wallpaper, exchanging curtains, removing smoking rooms, et cetera).

Up to 2/3 of the project cost or 100,000 yen (total budget of 2,000,000 yen)

· As a member of the aforementioned Society, I request that the national government and the ruling party revise the tax code to incorporate subsidies for renovation and demolition costs, as well as general tax credits, for small restaurants that become completely non-smoking.

3. To fully protect children, pregnant women and non-smokers from the risks of passive smoking, it is necessary to include specific provisions for these groups in the regulations, even at home and in private vehicles, where they are often unable to have access to clean air in the presence of active smokers.

· To protect children in Tokyo from passive smoking, regulations stipulate the following for residents (although compliance is not enforced).

Do not smoke in the same room with a child at home

Do not let children enter an establishment with smoking or a separated smoking room that does not use measures to protect against passive smoking

Do not smoke in vehicles with children

· In Hyogo prefecture, regulations to prevent passive smoking for children are currently under review, titled "No smoking in private spaces with children", which has been proposed by a committee of experts. (Private spaces include homes, other domiciles, private vehicles, et cetera. Parks are already regarded as completely non-smoking. Accompanying children into smoking restaurants is already prohibited, and penalties are imposed for violation.)

· Amusement parks, zoos, swimming pools, outdoor sports facilities, stadiums et cetera should also be considered to be non-smoking areas.

4. Because subsidies for smoking cessation treatment are granted by many local governments, please also consider such a policy in your jurisdiction (through prefectural and municipal budgets).

In particular, for smoking cessation in families with children and pregnant women, subsidies exist for smoking cessation outpatient treatment in Toshima ward, Minato ward and Chiba city in the Tokyo metropolitan area.

(Subsidies and assistance for smoking cessation by pregnant women and minors are also desired.)

Toshima-ku <http://www.city.toshima.lg.jp/211/kenko/kenko/tabako/1805141232.html>

Minato-ku, Tokyo <http://www.city.minato.tokyo.jp/kenkouzukuri/kenko/kenko/kenkozukuri/kinen/kinengairai.html>

Chiba city <http://www.city.chiba.jp/hokenfukushi/kenkou/shien/kinnenn.html>

· To lower the smoking rate and to improve the health of citizens, the Tokyo metropolitan government has established subsidies to cover half of the cost of smoking cessation programs in fiscal year 2018, thereby supporting efforts implemented by local wards and municipalities.

5. New or other forms of tobacco and nicotine (like heat-not-burn tobacco, nicotine vapor and smokeless tobacco) should be regulated like traditional combustible tobacco.

· In particular, other forms of tobacco are obligated to display warnings similar to those on traditional combustible tobacco.

· Tobacco manufacturers assert that new kinds of tobacco or nicotine do not pose much risk for bystanders, but reports and anecdotal evidence have shown vapors and smells are created from public use, and the degree of this risk has not yet been made clear. As a precautionary principle and for consistent enforcement, regulations similar to those for combustible tobacco should be imposed on new forms of tobacco and nicotine until more evidence about their risks has been found.

· In Hyogo prefecture and Kanagawa prefecture, regulations to prevent passive smoking state that "heat-not-burn tobacco cigarettes are classified as manufactured cigarettes, and as with traditional combustible cigarettes, tobacco leaves are used as raw materials and smoke-like vapor is created that contains nicotine and toxic substances. They are likewise subject to this regulation."

· Toyohashi city, Aichi prefecture plans to regulate heat-not-burn tobacco in a similar way, and in particular regarding the prevention of passive smoking.

"The draft regulations to prevent passive smoking from Toyohashi city, Aichi prefecture have more strict criteria than the Revised Health Promotion Act and states that heated tobacco is also "harmful".

<https://notobacco.jp/pslaw/chunichi181120.html>

6. Because many targeted establishments exist, cooperation with all municipal governments, not just with core cities and city ordinance offices, and the delegation of authority are essential to increase the effectiveness of formulating and implementing regulations.

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Request/petition delegate, General incorporated association Japan Society for Tobacco Control

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