

Client Alert

12 January 2021

Second state of emergency declared in Japan

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On 7 January 2021, the Japanese government declared a state of emergency under the Act on Special Measures for Pandemic Influenza and New Infectious Diseases ("**Act**") for the second time, to cope with the rapid increase in the number of those who tested positive for COVID-19 in December and January. The state of emergency is effective for one month, up to 7 February 2021.

The state of emergency applies to the prefectures of Tokyo, Kanagawa, Chiba and Saitama. The governors of Osaka, Kyoto and Hyogo have decided to request the government to extend the state of emergency to their prefectures and a number of other prefectural governors have announced that they propose to follow suit.

Please see our [client alert](#) dated 8 April 2020 for a summary and impact of the Act.

Under the current state of emergency, the governors of the four prefectures have requested that the owners of restaurants and bars close their facilities by 8 pm and residents to stay home except if necessary or urgent. Restaurants and bars that comply with the request will receive some subsidies and those that do not may be publicly "named and shamed".

Businesses are encouraged to implement work-from-home arrangements with a view to reducing the number of workers in the office by 70%.

This second state of emergency stands in marked contrast to the first in some respects. The first covered the entire nation and included school closures. The second applies to specified prefectures and is more limited in scope and duration.

Amendment to law proposed to enforce measures

The Japanese government is reportedly preparing for an amendment to the Act so that the measures taken under the Act that are not currently accompanied by penalties for non-compliance will be enforced with penalties. It has also been reported that the government intends to introduce a criminal penalty for failure to obey hospitalization orders issued to patients affected by certain infectious diseases, including COVID-19.