

Measures against secondhand smoke insufficient

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A proposed amendment to the law promoting public health — featuring measures against passive smoking — includes so many loopholes that it's doubtful whether the steps will serve their stated purpose. The legislation for the first time provides for fines for people who violate the tightened regulations on indoor smoking in public spaces. But, after a compromise with the tobacco lobby within the Liberal Democratic Party, people are still free to smoke inside a majority of eating/drinking establishments — a major setback from the health ministry's original plan to ban indoor smoking in all public spaces in principle.

The government plans to get the legislation enacted during the current Diet session. But apparently the government itself recognizes that the measures are insufficient — it gave up on incorporating in its basic plan for fighting cancer a target to eliminate the risk of people exposed to secondhand tobacco smoke. Lawmakers should seek to amend the legislation in Diet deliberations to give it more teeth so it can do more to protect people against the hazards of secondhand smoke.

While the ratio of smokers in Japan has declined to less than 20 percent, exposure to passive smoking is estimated to be behind the deaths of some 15,000 citizens annually. The World Health Organization gives its worst grade to Japan for its efforts to prevent health damage from secondhand smoke. Japan has no legally-binding regulation on passive smoking while 55 countries around the world now prohibit indoor smoking in all public spaces.

The Health, Labor and Welfare Ministry has been seeking to introduce tighter measures on smoking as the nation prepares to host the 2020 Summer Olympic and Paralympic Games in Tokyo. However, the ministry's plan to submit legislation on tightly regulating smoking in public indoor spaces last year was shot down by opposition from pro-tobacco LDP lawmakers.

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The proposed legislation, which was approved by the Cabinet earlier this month after it was finally endorsed by the LDP, prohibits indoor smoking on the premises of schools, hospitals and government institutions, while enabling operators of these facilities to set up outdoor spaces for smokers. Indoor smoking at company offices, hotels, restaurants and drinking places will be banned — although the creation of smoking rooms will be allowed where people won't be able to eat or drink. Guest rooms at hotels will not be covered by the rules since they are considered private spaces. Smokers who violate the rules can be fined up to ¥300,000 and operators of the facilities up to ¥500,000.

The loopholes set aside for restaurants and bars — where, according to a government survey, 40 percent of nonsmokers are exposed to secondhand smoke — are the main problem. Proprietors of existing restaurants and bars that have capital of up to ¥50 million and whose floor space is up to 100 square meters can allow customers to smoke without creating smoking rooms, as long as they put up signs outside stating that smoking is allowed. The health ministry's plan last year sought to limit the exception to small bars with a floor space of up to 30 sq. meters. Now that the scope of exception has been widened to placate the opponents in the LDP, the health ministry estimates that 55 percent of eating and drinking establishments will be able to allow their customers to smoke without creating smoking spaces.

Behind the opposition of the LDP's pro-tobacco lobby are concerns raised by the restaurant and bar industries, in particular from small shops run by individual proprietors, that sales could be damaged. There is no clear evidence, however, to show that sales of eating and drinking establishments have suffered due to a smoking ban. On the contrary, restaurant and bar owners who prohibit smoking on their establishments should be able to expect they'll gain more nonsmoking customers. The operators of restaurants and bars who support allowing smoking in their establishment should reconsider their stance.

In Japan, the government remains deeply involved in the tobacco industry. More than 30 years after the tobacco monopoly was privatized in 1985, it holds a 33.35 percent stake in Japan Tobacco Inc. Dividends from the government's stake in Japan Tobacco contribute over ¥70 billion to state coffers annually. The Finance Ministry holds the power to authorize tobacco retail prices — more than 60 percent of which goes to the tobacco tax, bringing in ¥2 trillion tax revenue each year. Yet tobacco also imposes a heavy financial burden on the nation. In 2014, for example, medical expenses for smoking-related illnesses reached ¥1.49 trillion, accounting for 3.7 percent of the nation's total medical bills that year. Financial stakes should not stand in the way of greater efforts to protect the public's health from the dangers of tobacco.