

# Act for the Promotion of Measures to Prevent Bullying

(Act No. 71 of June 28, 2013)

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## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to effectively and comprehensively promote measures for the prevention, etc. of bullying (meaning prevention of bullying, early detection of bullying and responses to bullying; the same applies hereinafter) by establishing basic principles concerning measures for the prevention, etc. of bullying, clarifying the responsibilities of the national and local governments, and providing for the formulation of basic policies on measures for the prevention, etc. of bullying and the matters to be the basis for measures for the prevention, etc. of bullying, so as to protect the personal dignity of children, etc., in light of the fact that bullying not only infringes on children's right to receive education and has a serious effect on their sound mental and physical growth and development of their personality, but also poses serious danger to their life and person.

(Definitions)

Article 2 (1) The term "bullying" as used in this Act means physical or psychological acts committed by one child, etc. towards another child who attends the same school or with whom they share a personal relationship (including acts committed online), which cause that child physical pain or psychological suffering.

(2) The term "school" as used in this Act means elementary schools, junior high schools, compulsory education schools, senior high schools, schools for secondary education and special needs schools (excluding kindergartens)

prescribed in Article 1 of the School Education Act (Act No. 26 of 1947).

- (3) The term "child, etc." as used in this Act means a child or student enrolled in a school.
- (4) The term "guardian" as used in this Act means a person who exercises parental authority (or a guardian of a minor, if there is no person who exercises parental authority).

#### (Basic Principles)

Article 3 (1) In light of the fact that bullying is an issue that affects all children, etc., measures for the prevention, etc. of bullying must be carried out with the aim of eliminating it irrespective of whether it happens inside or outside of school so that all children, etc. are able to engage in learning and other activities without stress.

- (2) Measures for the prevention, etc. of bullying must be carried out with the aim of deepening an understanding of bullying-related problems facing children, etc., including the mental and physical effects of bullying on children, etc., in order to ensure that no child, etc. will bully or ignore bullying targeting other children, etc.
- (3) Based on the recognition that it is especially important to protect the lives, and mental and physical wellbeing of children, etc., measures for the prevention, etc. of bullying must be conducted with the aim of overcoming all problems concerning bullying collaboratively among the national and local governments, schools, local residents, families and other related parties.

#### (Prohibition of Bullying)

Article 4 Children, etc. must not bully.

#### (Responsibilities of the National Government)

Article 5 In line with the basic principles prescribed in Article 3 (hereinafter referred to as the "basic principles"), the national government is responsible for comprehensively establishing and implementing measures for the prevention, etc. of bullying.

#### (Responsibilities of Local Governments)

Article 6 In line with the basic principles, local governments are responsible for cooperating with the national government in taking measures to prevent, etc. bullying and also formulate and implement local-level initiatives.

#### (Responsibilities of School Operators)

Article 7 In line with the basic principles, operators of schools are responsible for taking the actions necessary for preventing, etc. bullying in those schools.

(Responsibilities of Schools and Teachers and Other Staff of Schools)

Article 8 In line with the basic principles, schools and their teachers and other staff are responsible for doing their utmost to detect and prevent bullying as early as possible, while collaborating with the guardians of enrolled children, etc., local residents, child guidance centers, and other related parties, as well as responding promptly and appropriately if it is suspected that any of the enrolled children, etc. are being bullied.

(Responsibilities of Guardians)

Article 9 (1) Guardians assume the primary responsibility for educating their child and are to endeavor to provide guidance for developing a consciousness of social norms and other necessary guidance so that the child, etc. under their protection will not engage in bullying.

(2) Guardians who find that a child, etc. under their protection has been bullied, are to protect the child, etc. in an appropriate manner.

(3) Guardians are to endeavor to cooperate in measures for the prevention, etc. of bullying taken by the national and local governments, schools, and the operators of those schools.

(4) The provisions of paragraph (1) must not be interpreted as changing the principle that the autonomy of home education should be respected, and the provisions of paragraph (3) must not be interpreted as mitigating the responsibility assumed by schools and the operators of those schools with regard to the prevention, etc. of bullying.

(Financial Measures)

Article 10 The national and local governments are to endeavor to take financial and other necessary measures in order to promote those for the prevention, etc. of bullying.

## **Chapter II Basic Policies for the Prevention of Bullying**

(Basic Policies for the Prevention of Bullying)

Article 11 (1) The Minister of Education, Culture, Sports, Science and Technology is to formulate basic policies for promoting measures for the prevention, etc. of bullying comprehensively and effectively (hereinafter referred to as the "National Basic Policies for the Prevention of Bullying"), in collaboration and cooperation with the heads of relevant administrative agencies.

(2) National Basic Policies for the Prevention of Bullying are to provide for the following:

- (i) matters concerning basic directions for measures for the prevention, etc. of bullying;
- (ii) matters concerning the details of measures for the prevention, etc. of bullying; and
- (iii) other important matters concerning measures for the prevention, etc. of bullying.

(Local Basic Policies for the Prevention of Bullying)

Article 12 Local governments are to endeavor to formulate basic policies for promoting measures for the prevention, etc. of bullying in their jurisdictions comprehensively and effectively in accordance with regional circumstances (hereinafter referred to as the "Local Basic Policies for the Prevention of Bullying"), while taking into account the National Basic Policies for the Prevention of Bullying.

(School Basic Policies for the Prevention of Bullying)

Article 13 Schools are to formulate basic policies on measures for the prevention, etc. of bullying in accordance with their circumstances, while taking into account the National Basic Policies for the Prevention of Bullying or the Local Basic Policies for the Prevention of Bullying.

(Liaison Council on Measures against Bullying)

Article 14 (1) In order to facilitate collaboration among organizations and bodies related to the prevention, etc. of bullying, local governments may establish a liaison council on measures against bullying that consists of schools, the relevant boards of education and child guidance centers, the legal affairs bureau or district legal affairs bureau, the prefectural police, and other related parties, as prescribed by prefectural ordinance.

(2) Upon establishing a liaison council on measures against bullying referred to in the preceding paragraph, the prefecture is to take necessary actions to facilitate collaboration between the liaison council and the board of education of the relevant municipality so that collaboration among related organizations and bodies at the liaison council is fully utilized for the prevention, etc. of bullying at municipal schools in that municipality.

(3) Based on the provisions of the preceding two paragraphs, an organization may be established under the relevant board of education as its affiliate organization if this is found necessary for carrying out regional measures for the prevention, etc. of bullying effectively based on the Local Basic Policies for the Prevention of Bullying through smooth collaboration between the board of education and the liaison council.

### Chapter III Basic Initiatives

#### (Prevention of Bullying at Schools)

Article 15 (1) Schools and operators of those schools must endeavor to enhance moral education through educational activities, and also enhance experience-based activities, based on the idea that cultivating deep sentiment and a sense of morality in children, and developing a foundation for forming intimate relationships with others contribute to the prevention of bullying.

(2) Schools and operators of those schools are to support activities that children, etc. enrolled in those schools carry out on a voluntary basis in order to contribute to the prevention of bullying; carry out awareness-raising activities to deepen an understanding of the importance of preventing bullying, targeting children, etc. enrolled in those school, their guardians, and teachers and other staff of those schools; and take other necessary actions, in collaboration with guardians, local residents, and other related parties, thereby endeavoring to prevent bullying at those schools.

#### (Actions for the Early Detection of Bullying)

Article 16 (1) Schools and operators of those schools are to conduct regular surveys concerning children, etc. enrolled in those schools and take other actions as necessary for detecting bullying at an early stage.

(2) The national and local governments are to implement initiatives necessary for developing a system for receiving reports and consultations concerning bullying.

(3) Schools and operators of those schools are to develop a system under which children, etc. enrolled in those schools, their guardians, and the teachers and other staff of those schools can have consultations in relation to bullying (referred to as a "consultation system" in the following paragraph).

(4) Schools and operators of those schools are to give due consideration when developing a consultation system so that the right to receive education and other rights and interests of bullied children, etc. are protected, in collaboration with related families, the relevant local community, etc.

#### (Collaboration with Relevant Organizations)

Article 17 The national and local governments are to endeavor to strengthen collaboration among relevant ministries and agencies, and among other relevant organizations, schools, families, local communities and private bodies, offer support to private bodies, and develop other systems necessary for providing support to bullied children, etc. or their guardians, and guidance for children, etc. who bully or advice to their guardians, or for taking other measures for the prevention, etc. of bullying appropriately in collaboration

with related parties.

(Securing and Enhancing the Quality of Personnel Engaging in Measures for the Prevention, etc. of Bullying)

Article 18 (1) The national and local governments are to strengthen the cultivation and training of teachers to enhance their quality, appropriately deploy teachers, nursing staff and other teaching staff to improve student guidance systems, secure personnel with professional knowledge on psychology, welfare, etc. who provide educational consultations including those for preventing bullying, secure personnel to be dispatched to schools upon request to provide advice on how to respond to bullying, or take other necessary actions so that provision of support for bullied children, etc. or their guardians, and guidance for children, etc. who bully or advice to their guardians is given, or other measures for the prevention, etc. of bullying are taken appropriately based on specialized knowledge.

(2) Schools and operators of those schools must provide their teachers and other staff with training on measures for the prevention, etc. of bullying or take other actions necessary for enhancing their quality regarding measures for the prevention, etc. of bullying, in a systematic manner.

(Promotion of Measures against Cyberbullying)

Article 19 (1) In light of the characteristics of information transmitted online, such as its high degree of distribution and the anonymity of senders, schools and operators of those schools are to carry out necessary awareness-raising activities targeting children, etc. enrolled in those school and their guardians so that they can prevent cyberbullying and respond effectively.

(2) The national and local governments are to offer support to relevant organizations or bodies that monitor whether children, etc. are involved in cyberbullying, and also endeavor to develop systems to respond to cyberbullying cases.

(3) In cases of cyberbullying when the bullied children, etc. or their guardians intend to demand the deletion of information related to the bullying or request the disclosure of information identifying the sender (meaning the information identifying the sender as prescribed in Article 4, paragraph (1) of the Act on the Limitation of Liability for Damages of Specified Telecommunications Service Providers and the Right to Demand Disclosure of Identification Information of the Senders (Act No. 137 of 2001)), they may ask for cooperation from the legal affairs bureau or district legal affairs bureau as necessary.

(Promotion of Surveys and Studies on Measures for the Prevention, etc. of Bullying)

Article 20 The national and local governments are to conduct surveys and studies as well as verification of means of preventing and detecting bullying at an early stage, desirable ways of providing support for bullied children, etc. or their guardians, and guidance for children, etc. who bully or advice to their guardians, appropriate responses to cyberbullying, and other matters necessary for preventing bullying, etc., and the state of implementation of measures for the prevention, etc. of bullying, and disseminate the outcome thereof.

(Awareness-Raising Activities)

Article 21 The national and local governments are to publicize important information concerning the mental and physical effects of bullying on bullied children, etc., the importance of preventing bullying, and consultation systems or remedial systems concerning bullying, and carry out other awareness-raising activities.

#### **Chapter IV Actions for the Prevention, etc. of Bullying**

(Organization for Measures for the Prevention, etc. of Bullying at Schools)

Article 22 Schools are to put in place an organization for implementing measures for the prevention, etc. of bullying that consists of multiple teachers and other staff of the school, personnel with specialized knowledge on psychology, welfare, etc. and other related parties, in order to take actions for the prevention, etc. of bullying at schools.

(Actions against Bullying)

Article 23 (1) If any school teachers or other staff, local government officials or other persons who provide consultations to children, etc., and guardians of children, etc. have been consulted by a child, etc. regarding bullying and bullying is suspected to have occurred, they are to report the case to the school where the child, etc. suspected of having been bullied is enrolled or take other appropriate action.

(2) If a school has received a report under the provisions of the preceding paragraph or otherwise suspects that a child, etc. enrolled in that school is being bullied, it is to promptly take actions to confirm the bullying and report the results to the operator of that school.

(3) If bullying has been confirmed under the provisions of the preceding paragraph, a school is to have multiple teachers or other staff of that school continuously provide support for the bullied child, etc. or their guardians, and guidance for a child, etc. who bullies or advice to their guardians, while obtaining cooperation from personnel with specialized knowledge on psychology,

welfare, etc., in order to stop the bullying and prevent its recurrence.

- (4) In a case as referred to in the preceding paragraph and if found necessary, the school is to take necessary actions so that the bullied child, etc. and other children, etc. can receive education without stress, such as having a bullying child, etc. study at a place other than a classroom that the bullied child, etc. uses.
- (5) If a school has its teachers or other staff provide support, guidance or advice under the provisions of paragraph (3), the school is to take actions for sharing information on the bullying with guardians of both a bullied child, etc. and a bullying child, etc. or take other necessary actions so that no disputes will occur between these guardians.
- (6) If a school finds that a particular case of bullying should be processed as a criminal act, the school is to make responses in collaboration with the relevant police station; and if there is a risk that the life, person or property of any child, etc. enrolled in the school may be seriously endangered or damaged, the school must make a report to that police station immediately to seek assistance as appropriate.

(Actions to be Taken by the Operators of Schools)

Article 24 When having received a report under the provisions of paragraph (2) of the preceding Article, operators of schools are to offer required support to the school operated thereby, direct the school to take necessary actions, or conduct necessary investigations into the reported case on its own, as needed.

(Disciplinary Actions by the School Principal and Teachers)

Article 25 If a child, etc. enrolled in a school bullies, and the principal and teachers of the school find it necessary, they are to take disciplinary action against the relevant child, etc. as appropriate in accordance with the provisions of Article 11 of the School Education Act.

(Appropriate Operation of the School Suspension System)

Article 26 Municipal boards of education are to issue an order of the suspension from school of a child, etc. who bullies to their guardians under the provisions of Article 35, paragraph (1) of the School Education Act (including as applied mutatis mutandis pursuant to Article 49 of that Act) or take other necessary actions promptly so as to ensure that the bullied child, etc. and other children, etc. can receive education without stress.

(Development of Systems for Collaboration and Cooperation among Schools)

Article 27 Local governments are to develop systems for collaboration and cooperation among schools so that schools can provide support for bullied



children, etc. or their guardians, and guidance for children, etc. who bully or advice to their guardians appropriately, even if the bullied and the bullying children, etc. are not enrolled in the same school.

## **Chapter V Responses to Serious Situations**

(Responses by Schools or Operators of Those Schools)

- Article 28 (1) In the following cases, schools or the operators of those schools are to promptly develop an organization and conduct investigations through questionnaires or by other appropriate means to clarify facts concerning the relevant situations (hereinafter referred to as "serious situations") with the aim of responding and helping with the prevention of any similar situations:
- (i) if it is found that bullying may have caused serious damage to the life, physical or mental state, or property of a child, etc. enrolled in the school; or
  - (ii) if it is found that a child, etc. enrolled in the school may have been forced to be absent from school for a considerable period of time due to bullying.
- (2) Having conducted investigations under the provisions of the preceding paragraph, the school or the operator of that school is to provide the facts on that situation through those investigations and other necessary information to the relevant bullied child, etc. and their guardians as appropriate.
- (3) If a school conducts an investigation under the provisions of paragraph (1), its operator is to provide necessary guidance and support with regard to the investigations under the provisions of the same paragraph and providing information under the provisions of the preceding paragraph.

(Responses Regarding Schools Affiliated with National Universities)

- Article 29 (1) Schools affiliated with a national university operated by a national university corporation (meaning a national university corporation prescribed in Article 2, paragraph (1) of the National University Corporation Act (Act No. 112 of 2003); hereinafter the same applies in this Article) must report the occurrence of serious situations, in cases listed in the items of paragraph (1) of the preceding Article, to the Minister of Education, Culture, Sports, Science and Technology via the president of the relevant national university corporation.
- (2) Having received a report under the provisions of the preceding paragraph, the Minister of Education, Culture, Sports, Science and Technology may conduct investigations on the results of the investigations under the provisions of paragraph (1) of the preceding Article if the Minister finds this necessary in responding to the serious situations reported or preventing the occurrence of any similar situations.
- (3) Based on the results of the investigations under the provisions of the

preceding paragraph, the Minister of Education, Culture, Sports, Science and Technology is to properly exercise their authority as prescribed in Article 64, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No 103 of 1999) as applied mutatis mutandis pursuant to Article 35 of the National University Corporation Act or take other actions as necessary so that the national university corporation or its affiliated school can respond to serious situations or take necessary actions for preventing the occurrence of any similar situations.

(Responses Regarding Public Schools)

Article 30 (1) Schools operated by a local government must report the occurrence of serious situations, in cases listed in the items of Article 28, paragraph (1), to the head of the local government via the board of education of that local government.

(2) Having received a report under the provisions of the preceding paragraph, the head of a local government may conduct investigations on the results of the investigations under the provisions of Article 28, paragraph (1) by means such as establishing an affiliated organ for investigations, if the head finds this necessary in responding to the serious situations reported or preventing the occurrence of any similar situations.

(3) Having conducted investigations under the provisions of the preceding paragraph, the head of a local government must report the results thereof to the assembly.

(4) The provisions of paragraph (2) must not be construed as granting the head of a local government the authority to manage or execute the affairs prescribed in Article 21 of the Act on the Organization and Operation of Local Educational Administration (Act No. 162 of 1956).

(5) Based on the results of the investigations under the provisions of paragraph (2), the head of a local government and the relevant board of education are to take necessary actions, under their own authority and responsibility, for responding to the relevant serious situations or preventing the occurrence of any similar situations.

Article 30-2 The provisions of Article 29 apply mutatis mutandis to schools affiliated with public universities operated by a public university corporation (meaning a public university corporation prescribed in Article 68, paragraph (1) of the Local Incorporated Administrative Agency Act (Act No.118 of 2003)). In this case, the term "the Minister of Education, Culture, Sports, Science and Technology" in Article 29, paragraph (1) is deemed to be replaced with "the head of the local government that operates the relevant public university corporation (hereinafter simply referred to as the 'head of the local

government' in this Article)"; the term "the Minister of Education, Culture, Sports, Science and Technology" in paragraph (2) and paragraph (3) of the same Article is deemed to be replaced with "the head of the local government"; and the term "Article 64, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No 103 of 1999) as applied mutatis mutandis pursuant to Article 35 of the National University Corporation Act" in paragraph (3) of the same Article is deemed to be replaced with "Article 121, paragraph (1) of the Local Incorporated Administrative Agency Act".

(Responses Regarding Private Schools)

- Article 31 (1) Schools operated by an incorporated educational institution (meaning an incorporated educational institution prescribed in Article 3 of the Private Schools Act (Act No. 270 of 1949); hereinafter the same applies in this Article) must report the occurrence of serious situations, in cases listed in the items of Article 28, paragraph (1), to the governor of the prefecture that has jurisdiction over that school (hereinafter simply referred to as the "prefectural governor" in this Article).
- (2) Having received a report under the provisions of the preceding paragraph, the prefectural governor may conduct investigations on the results of the investigations under the provisions of Article 28, paragraph (1) by means such as establishing an affiliated organ for investigations, if the prefectural governor finds this necessary in responding to the reported serious situations or preventing the occurrence of any similar situations.
- (3) Based on the results of the investigations under the provisions of the preceding paragraph, the prefectural governor is to properly exercise their authority as prescribed in Article 6 of the Private Schools Act or take other actions as necessary so that the incorporated educational institution or the school operated thereby related to the investigations can respond to the relevant serious situations or take actions necessary to prevent the occurrence of any similar situations.
- (4) The provisions of the preceding two paragraphs must not be construed as newly granting the prefectural governor the authority exercisable against a school operated by an incorporated educational institution.

Article 32 (1) Schools run by an operating company (meaning an operating company as prescribed in Article 12, paragraph (2) of the Act on Special Districts for Structural Reform (Act No. 189 of 2002); hereinafter the same applies in this Article) must report the occurrence of serious situations, in cases listed in the items of Article 28, paragraph (1), to the head of the local government from which it obtained the approval under the provisions of Article 12, paragraph (1) of the same Act (hereinafter referred to as the "head of the

local government that granted approval") via the representative director or representative executive officer of the company.

- (2) Having received a report under the provisions of the preceding paragraph, the head of the local government that granted approval may conduct investigations on the results of the investigations under the provisions of Article 28, paragraph (1) by means such as establishing an affiliated organization for investigations, if the head finds this necessary in responding to the reported serious situation or preventing the occurrence of any similar situations.
- (3) Based on the results of the investigations under the provisions of the preceding paragraph, the head of the local government that granted approval is to properly exercise their authority as prescribed in Article 12, paragraph (10) of the Act on Special Districts for Structural Reform or otherwise take actions necessary so that the operating company or the school run by that operating company can respond to the relevant serious situations or take actions necessary to prevent the occurrence of any similar situations.
- (4) The provisions of the preceding two paragraphs must not be construed as newly granting the head of the local government that granted approval the authority exercisable against a school run by an operating company.
- (5) The provisions of paragraph (1) through to the preceding paragraph apply mutatis mutandis to schools operated by a nonprofit organization (meaning a nonprofit organization as prescribed in Article 13, paragraph (2) of the Act on Special Districts for Structural Reform). In this case, the term "the representative director or representative executive officer of the operating company" in paragraph (1) is deemed to be replaced with "the director holding the authority of representation of the nonprofit organization"; the term "Article 12, paragraph (1)" in paragraph (1) is deemed to be replaced with "Article 13, paragraph (1)"; the term "preceding paragraph" in paragraph (2) and paragraph (3) is deemed to be replaced with "preceding paragraph as applied mutatis mutandis pursuant to paragraph (5)"; the term "operating company" in paragraph (3) is deemed to be replaced with "nonprofit organization"; the term "Article 12, paragraph (10) of the Act on Special Districts for Structural Reform" in paragraph (3) is deemed to be replaced with "Article 12, paragraph (10) of the Act on Special Districts for Structural Reform as applied mutatis mutandis pursuant to Article 13, paragraph (3) of the same Act"; and the term "preceding two paragraphs" in the preceding paragraph is deemed to be replaced with "preceding two paragraphs as applied mutatis mutandis pursuant to the following paragraph".

(Guidance, Advice and Assistance by the Minister of Education, Culture, Sports, Science and Technology or Prefectural Boards of Education)

Article 33 In addition to what is prescribed in Article 245-4, paragraph (1) of the

Local Autonomy Act (Act No. 67 of 1947), the Minister of Education, Culture, Sports, Science and Technology may provide guidance, advice and assistance to prefectures or municipalities, and prefectural boards of education may provide guidance, advice and assistance to municipalities, in order to ensure the proper processing of the affairs of prefectures or municipalities concerning responses to serious situations.

## **Chapter VI Miscellaneous Provisions**

(Matters to Note in Evaluating Schools)

Article 34 In the evaluation of a school's measures for the prevention, etc. of bullying, steps taken to detect bullying at an early stage and prevent the recurrence of bullying must be properly evaluated so that no bullying is concealed, and the state of bullying is ascertained and actions against bullying are conducted appropriately.

(Actions at Colleges of Technology)

Article 35 Colleges of technology (meaning a college of technology prescribed in Article 1 of the School Education Act; hereinafter the same applies in this Article) and operators of colleges of technology are to take actions necessary for preventing any act equivalent to the bullying of enrolled students and for detecting and responding to this at an early stage, in accordance with the circumstances of those colleges of technology.

## **Supplementary Provisions**

(Effective Date)

Article 1 This Act comes into effect as of the day on which three months have elapsed from the date of promulgation.

(Review)

Article 2 (1) A review is to be made regarding measures for the prevention, etc. of bullying, in consideration of the status of the enforcement of this Act around three years after its enforcement, and actions are to be taken as necessary based on the results thereof.

(2) The national government is to review means for offering learning support to children, etc. forced to be absent from school for a considerable period of time due to anxiety or stress in group situations at school due to bullying, so that they can engage in learning while receiving appropriate support.

**Supplementary Provisions [Act No. 76 of June 20, 2014 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2015.

**Supplementary Provisions [Act No. 46 of June 24, 2015 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2016.

**Supplementary Provisions [Act No. 47 of May 20, 2016 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2017.