

“Making your city smoke-free: twelve steps to an effective local smoke-free legislation”

Mexico City



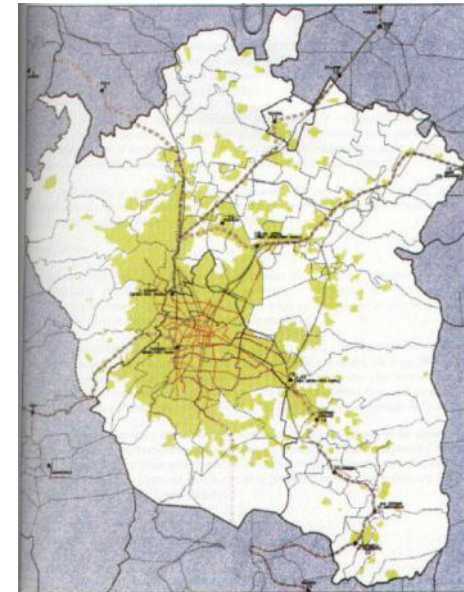
Dr. Armando Ahued
Minister of Health, Mexico City
Singapore, 2012



Mexico City's (FD) characteristics

Metropolitan Area

- 16 political delegations.
- 40 Municipalities of the State of Mexico.
- 1 Municipality of the State of Hidalgo.



Mexico City (FD)

- Population: 8.5 million inhabitants (20% of Mexico's total population).
- Floating population: 5 million
- Territorial extension: 1,485 km² (4% of the country)
- Altitude: 2,240 mas
- 42% of Gross Domestic Product (GDP)

Mexico City's (FD) characteristics

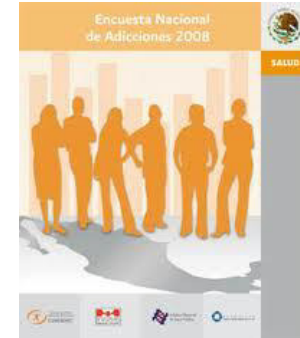
Political Characteristics:

- Since 1997, people from Mexico City had the opportunity to vote for the City Mayor.
- As the Federal Level, the Mexico City's Government is divided in:
 - Executive Power
 - Legislative Power
 - Judiciary Power
- The FD is free to enact its own election laws, civil laws, criminal laws, among others; but sometimes some of them have to be validated by the Federal level.



Smoking rate

According to the Encuesta Nacional de Adicciones 2008 (Addiction National Survey) we found:



National Level	Local Level
<p>Active smokers 18.5% (14 million)</p> <ul style="list-style-type: none">▪ 27.8% are men▪ 9.9% are women <p>29.1% between 18 to 65 years old, had smoked at least one time in their lives.</p>	<p>Active smokers 28.4% (1.5 million)</p> <ul style="list-style-type: none">▪ 39% are men▪ 19.1% are women <p>53.5% between 18 to 65 years old had smoked at least one cigarette in their lives.</p>

Exposure to second-hand tobacco smoke

Type of Policy

Our policy consists in promoting tobacco smoke-free areas, that benefits smokers and non smokers.



Creation and implementation of the Law

- *The Non-smokers Health Protection Law* was published on January 29th, 2004, amended on March 4th, 2008 and came into force on April 3rd, 2008.
 - The Regulation of the Law was published on April 4th, 2008 and came into force on the 7th day of this month and year.
- In addition, on January 26th, 2009, it was published at Mexico City's Official Gazette, the decree which repeals the *Ley para el Funcionamiento de Establecimientos Mercantiles del Distrito Federal* (Mexico City's Operating Commercial Facilities Law) and it was created the *Ley de Establecimientos Mercantiles del Distrito Federal* (Mexico City's Commercial Facilities Law).
 - It came into force on February 25th, 2009.



Exposure to second-hand tobacco smoke

Case Study

- It was developed by PAHO/WHO and Mexico City's Ministry of Health.
- The local smoke-free law faced opposition from the tobacco industry and restaurant association but there were evidences from previous research on the impact of smoke-free laws and benefits of smoke-free environments that helped to accept the law.
- It reaffirms banning on smoking at enclosed public areas.
- Smoking only is allowed in areas where there is free air circulation and the smoke do not invade the enclosed areas or it is not a way where people have to cross or pass.



Problems for fulfillment of the Law

The main current problems to fulfill the Law are:

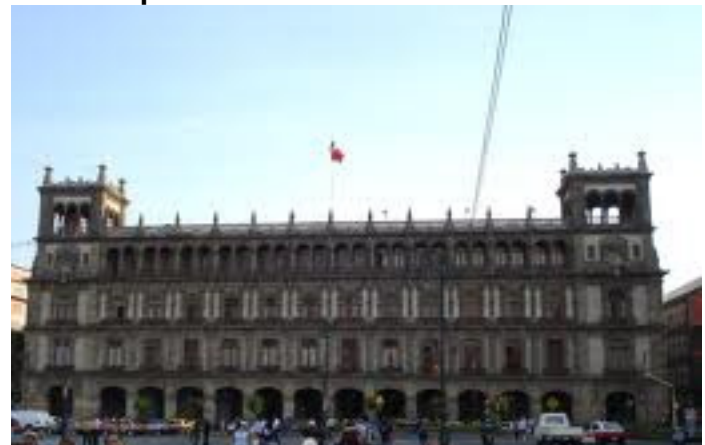
- México City's Non-smokers Health Protection Law versus General Law for Tobacco Control.
- Different interpretation criteria to define smoking areas.
- Commercial establishments modifications for smoking areas, do not accomplish the provisions of the Non-Smokers Health Protection Law.
- Smokers refusal to stop smoking indoors.
- Insufficient administrative verification and of administrative measures by the Delegations to establishments where people smoke.



Mexico City's Government Institutions involved - application and monitoring of the law -



- City Mayor.
- Ministry of Health.
- Delegations.
- Ministry of Public Security.
- Ministry of Transport.



Promotion activities of the Law

More than 14,500 informed actions



Exposure to second-hand tobacco smoke

Another key actions for the implementation of the law

- In the Mexico City's Commercial Facilities Law, it forbids to shop owners and their employees to do, permit or participate in the sale of tobacco products to minors.
- It also forbids the sale of cigarettes by unit.



Exposure to second-hand tobacco smoke

Also, according to Mexico City's Commercial Facilities Law, the establishments where the Law is applied:

Tobacco products sale is forbidden at billiards, restaurants, lodging establishments, movies, theatres and auditoriums, prepared food shops and/or where alcohol beverages are consumed.



Law Enforcement

The Health Protection Agency of Mexico City's Government, through its Regulation provides:

The Agency has the authority to define the requirements on health, promotion, regulation, control and surveillance of the activities, conditions, places, services, products and persons at entertainment centers, as well as those where tobacco products are consumed.



Reglamento de la Agencia de Protección Sanitaria del Gobierno del Distrito Federal,
Artículo 5

Implemented Strategy

The Health Protection Agency of Mexico City's Government:

- Is in charge of the call and organization.
- Counts with the participation of the Delegations Public Servers.
- Counts with the participation of the INVEA (*Institute of Administrative Verification of Mexico City*) verifiers.
- Reports every activity to the Delegate and request appropriate administrative measures.
- Follow up of Delegations activities.



Sanctions

➤ For commercial establishments:

The administrative sanctions can be:

- Fine (between 126 a 350 minimum wage days at FD according to the Commercial Establishments Law).
- Temporary suspension of activities.
- Permanent closure of the establishment and arrest for 36 hours.

➤ For smokers :

- 10 to 30 minimum wage days at FD.



Challenges

- Permanent participation and support of the involved Institutions.
- Continuous monitoring of compliance of the Law by the involved Institutions.
- Compliance of the administrative verification requests asked by the Health Protection Agency of Mexico City.
- Coordination with the private sector to assure the compliance of the Law.



Challenges

It is hard to achieve that at private offices the law is enforced, so one of our campaigns is specifically directed to “smoke free working places”.

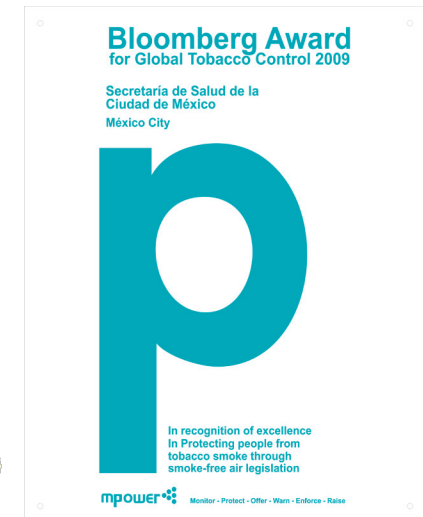


Achievements

The great acceptance, of smoking and non smoking population, of the implementation of tobacco smoke free areas.

Commercial establishment property owners agreement, due to the lower cost to declare their businesses as smoke free places than redesigning smoking areas.

Bloomberg Award to Mexico City.



Mexico City shows that it is possible to do it.



www.who.int/kobe_centre/interventions/smoke_free/mexico_city/en/index.html

Thank you