



LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE CONVENTION OF 13 JULY 1931 FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

MEXICO

Communicated by the Government of Mexico

NOTE BY THE SECRETARY-GENERAL -- In accordance with Article 21 of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to communicate the following legislative text.

SANITARY CODE

CHAPTER XI

Narcotic Drugs

Article 216

The trade in, import, export, transport in any form, sowing, cultivation, harvesting, manufacture, acquisition, possession, prescription for medicinal purposes, preparation, use, consumption and, in general, any act relating to the trade in or supply of narcotic drugs or products regarded as such in the Republic of Mexico, are subject to:

- I. International treaties and conventions;
- II. The provisions of this Code and its regulations;
- III. The regulations issued by the General Health Board;
- IV. The relevant penal laws, and
- V. The instructions and regulations issued by the Department of Public Health and Welfare.

Article 217

The following are regarded as narcotic drugs for the purposes of the preceding article:

- I. The opium poppy (*Papaver somniferum* L);
- II. Opium in its raw, medicinal or any other form;
- III. Opium alkaloids and salts with the exception of papaverine;
- IV. Opium derivatives with the exception of apomorphine;
- V. Preparations containing opium, its alkaloids or derivatives or analogous synthetic products;
- VI. Morphine, heroin, dionine, codeine and their salts or derivatives;
- VII. The substitute derivatives of morphine: Dihydrohydroxycodone (Eucodal); dihydrocodeinone (Dicodid); dihydromorphinone (Dilaudid); acetyldihydrocodeinone or acetyldi-

methyldihydrothebaine (Acedicone); dihydromorphine (Paramorfan); methyldihydro-morphinone (Metopon); morphine-N-oxide (Genomorphine); N-Allylnormorphine (Nalline); their esters and the salts of any of the above substances and their esters, and the other derivatives of morphine with a pentavalent nitrogenous base;

- VIII. Synthetic narcotic drugs: 1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester (Demerol, Pethidine); 1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester hydrochloride (Gevelina); Alpha-1, 3-dimethyl-4-phenyl-4-propionoxypiperidine (Alpha-prodine); Beta-1, 3-dimethyl-4-phenyl-4-propionoxypiperidine (Betaprodine); 1-methyl-4-methahydroxyphenylpiperidine-4-carboxylic acid ethyl ester (Bemidone); 1-methyl-4-(methahydroxyphenyl)-piperidine-4-ethylketone (Ketobemidone); Alpha-4-propionoxy-4-phenyl-1-methyl-3-ethylpiperidine (Alphameprodine); Beta-4-propionoxy-4-phenyl-1-methyl-3-ethylpiperidine (Betameprodine); 6-dimethylamino-4-diphenyl-heptan-3-1 (Methadone); 6-dimethylamino-4,4-diphenyl-heptanol-3 (Methadol); 4-4-diphenyl-5-methyl-6-dimethylamino-hexanone-3 (Isomethadone); 6-dimethylamino-4,4-diphenyl-heptyl-acetate-3 (Methadyl); 6-morfolino-4; 4-difenil-3-heptanone (Phenadoxone); 3-hydroxy-N-methyl-morphinane (Dromoran); their esters and the salts of any of the above substances and their esters;
- IX. The various varieties of coca leaf, especially Erythroxylon novogranatense (Morris);
- X. Cocaine and its salts, including preparations made from a pure coca leaf base;
- XI. Ecgonine and its derivatives;
- XII. Cannabis indica (Marihuana) in all its forms, its derivatives or preparations;
- XIII. 1-methyl-3-ethyl-4-phenyl-4-propionoxypiperidine (also known under the symbol NU-1932):

- XIV. 3-hydroxy-N-methyl-morphinane (known under the symbol NU-2206 or Dromaran); and
- XV. Any other preparation or product containing one or other of the substances mentioned in the preceding sections and, in general, those of a similar nature.

Article 218

The General Health Board is the authority responsible for deciding whether a product is of a similar nature to those mentioned in the preceding Article.

Article 219

The prohibition to engage in the Republic of Mexico in any of the activities mentioned in article 216 applies to the following substances:

- I. Opium prepared for smoking;
- II. Diacetylmorphine (heroin), its salts or preparations; and
- III. Cannabis indica (Marihuana) in any of its forms, derivatives or preparations.

Article 220

A similar prohibition may be extended by the General Health Board to any of the substances mentioned in Article 217 should it be considered possible to replace it, for therapeutic or other purposes, by another which, in its opinion, is not habit-forming.

Article 221

The [redacted] Cannabis indica, the opium poppy (*Papaver somniferum*, L.) and the coca tree (*Erythroxylon novogranatense* Morris) are prohibited in the Republic of Mexico.

Article 222

The transport in transit through the Republic of Mexico to a destination in another country of the substances mentioned in article 217, and of such other substances as the General Health Board may determine under article 218, is prohibited.

Article 223

The Department of Public Health and Welfare is the sole authority in the Republic authorized to issue permits in connexion with narcotic drugs.

Article 224

Narcotic drugs may only be prescribed by members of the professions listed below and provided that their diplomas are registered with the Department of Public Health and Welfare, that they comply with the provisions of this Code and the relevant regulations and that they fulfil such requirements as the said Department may specify:

- I. Doctors and surgeons;
- II. Veterinary surgeons, for the treatment of animals only;
- III. Dental surgeons in connexion with their practice;
- IV. Homeopaths, and
- V. Midwives, in obstetrical cases only.

Medical students in the social services may prescribe narcotic drugs within the limits laid down by the above-mentioned Department.

Article 225

Pharmacists may dispense prescriptions for narcotic drugs only when they are made out by members of the above-mentioned professions whose diplomas are registered with the Department of Public Health and Welfare, or by medical students in the social services and provided that the prescription is made out on the proper form and contains all the particulars required by the relevant regulations. The dose must not exceed that authorized in the Pharmacopoeia of the United States of Mexico or the relevant ordinances.

Article 226

Narcotic drugs may only be handled by the person in charge of the establishment, who shall be held responsible for any mistake unless he can prove his innocence.

Article 227

Members of the professions listed in article 224 may only prescribe narcotic drugs for patients whom they are treating directly. Persons infringing this article will be liable to the corresponding penalties.

Article 228

Prescriptions for narcotic drugs shall be made out on special forms or special permits issued, authorized and supplied by the Department of Public Health and Welfare on the understanding that:

- I. prescriptions for patients requiring treatment for not more than five days may only be dispensed by pharmacies authorized to do so, and
- II. permits issued to members of the professions authorized under this Code and its regulations, for patients requiring treatment for more than five days may be dispensed by pharmacies or establishments authorized to do so.

Article 229

Pharmacies and other establishments dispensing prescriptions or supplying drugs against permits in accordance with the preceding article shall invariably retain them, enter the particulars in their narcotic drug register and hand over such prescriptions or permits to the authorized personnel of the Department of Public Health and Welfare when required to do so.

Article 230

The Department of Public Health and Welfare shall take such measures as it deems advisable to ensure the proper treatment and rehabilitation of drug addicts.

Article 231

For the purposes of the preceding article the Department of Public Health and Welfare shall

decide which drug addicts shall be required to enter official or authorized private institutions for treatment and rehabilitation, and for how long and under what conditions they shall remain there.

Article 232

For the import or export of narcotic drugs and products or preparations containing them a permit from the Department of Public Health and Welfare, made out as prescribed in the regulations, is essential.

Article 233

The Department of Public Health and Welfare shall grant import permits for narcotic drugs exclusively to:

- I. wholesale drug houses for sale to pharmacists, druggists, mobile dispensaries or laboratories or for the firm's own authorized preparations;
- II. laboratories or patent medicine manufacturers solely for the manufacture of products registered with the said Department. They may not sell the drugs to the establishments mentioned in this Code except where, after prior cancellation of the relevant entry in the register, they cease to manufacture a patent medicine containing narcotic drugs and are left with a stock of such drugs. The permission of the said Department is, however, required in every case before the drugs in question can be handed over or sold.

Article 234

A special permit from the Department of Public Health and Welfare is not required for any of the activities mentioned in article 216 in the case of preparations containing less than 0.1 g. of codeine or dionine, if dry, or 10 per cent, if liquid, provided that these drugs are combined with other medicinal substances and are not simply inert.

Article 235

The Customs office through which narcotic drugs and products or preparations containing them enter the country shall transmit to the Department of Public Health and Welfare, through the General Customs Administration, a monthly list thereof including: date of importation, names and addresses of the consignor and consignee, name of the narcotic drug and trade name of the product or preparation, together with the number and capacity of the phials, ampoules or other containers - data which importers are under the obligation to supply.

Article 236

The permits to which reference is made in article 233 shall be sent to the General Customs Administration for transmission to the appropriate Customs office to enable the narcotic drugs, the importation of which has been authorized, to be handed over to the consignee or his lawful representatives, against payment of the appropriate duties.

Article 237

The importation of narcotic drugs and products or preparations containing them, however small the quantity, may only be effected through the Customs office or offices designated by the Department of Public Health and Welfare.

Article 238

Narcotic drugs, and also products or preparations containing them, imported without a permit from the Department of Public Health and Welfare or through a Customs office not authorized by the said Department, shall be confiscated without prejudice to the infliction on the parties responsible of the penalties laid down in this Code or of those to which they may be liable under the Customs Law or the Penal Code.

Article 239

Mexican Consular offices abroad shall endorse invoices for narcotic drugs and preparations or products containing them, on production by the interested parties of the following documents:

- I. A permit in due form issued by the competent authorities of the exporting country authorizing the exportation of the articles covered by the Consular invoice in question which must not have reference to any other product;
- II. A permit signed by the Secretary of Public Health and Welfare or by an official delegated by him authorizing the importation of the articles mentioned in the said Consular invoice. Such permit shall be retained by the Consul when he endorses the invoice.

Consuls shall not endorse invoices covering other goods as well, or those for quantities larger than the quantities specifically authorized, or those in which mention is made of a Customs office other than those referred to in article 237.

Article 240

For the purposes of Section II of the preceding article, the Department of Public Health and Welfare shall issue a permit, the original of which shall be sent by the consignee to the consignor, a copy being kept by the Customs office concerned after clearing the drugs.

Article 241

For the export of narcotic drugs and products or preparations containing them, a special permit from the Department of Public Health and Welfare is required, which will be issued provided that, in the opinion of the Department, there is no objection and that the following conditions are complied with:

- I. The interested parties must submit and import permit issued by the appropriate authority of the country of destination, and
- II. The Customs office through which export is to take place must be one of those referred to in article 237.

The said Department shall enter the number and date of issue on the permit and send a copy to the appropriate Customs office through the General Customs Administration.

Article 242

In no case may narcotic drugs and products or preparations containing them be imported or exported through the post.

Consignments infringing this provision shall be confiscated and handed over to the Department of Public Health and Welfare for the purposes stated in article 244, without prejudice to any penalty incurred.

Article 243

For the purposes of the trade in narcotic drugs within the territory of the Republic, the Department of Public Health and Welfare shall issue special permits to acquire or dispose of narcotic drugs which shall be evidence of lawful possession by the establishments authorized to make use of them; but the requirements laid down by the said Department for such cases must first be complied with.

Article 244

Narcotic drugs and products or preparations containing them, with which any of the provisions included in this chapter have been infringed or an attempt has been made to infringe them, together with the apparatus or other objects used for the purpose, shall be confiscated and used to meet the requirements of the institutions coming under the Department of Public Health and Welfare, or, if unusable, be destroyed in the presence of representatives of the appropriate administrative authorities.

Utilizable narcotic drugs or preparations confiscated shall be added to the special stocks of the said Department and subjected to similar supervision to that exercised over such articles in chemists' shops and drug stores.

The same supervision shall be exercised over products delivered to institutions coming under the said Department.

Article 245

The Secretary of Public Health and Welfare shall either directly or through such of his deputies or inspectors as he shall appoint or, in general, through the officials authorized by him supervise all operations or activities connected with narcotic drugs throughout the Republic, and shall be responsible for enforcing the laws and regulations referred to in this chapter.

Article 246

Under the provisions of the preceding article, the Department of Public Health and Welfare is empowered to exercise authority in matters relating to the trade in narcotic drugs at seaports and airports, the frontiers and, in general, everywhere in the Republic.

Article 247

For the purposes of the preceding article, the Department of Public Health and Welfare, through the officials or employees referred to in article 245, may freely inspect articles carried by coastal shipping, rail, aircraft or any other means of transport anywhere in the Republic.