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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

Lake Success,
New York, 1950

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 hereafter the text of a law.

Original: Spanish

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CHAPTER XII

Narcotic Drugs

ARTICLE 262. The sale and purchase, import, export, transport in any form, planting, cultivation, harvesting, manufacture, acquisition, possession, prescription, preparation, use, consumption and in general any act relating to the traffic in or administration of narcotic drugs or any products regarded as such, in the Republic of Mexico, shall be subject to:

- I. International treaties and conventions.
- II. The provisions and regulations of this Code.
- III. Provisions promulgated by the General Health Board.
- IV. Penal laws on the subject.
- V. Circulars and provisions formulated by the Ministry of Health and Welfare.

ARTICLE 263. For the purposes of the provisions of the preceding Article, the following shall be considered narcotic drugs:

- a) The poppy (*Papaver somniferum* L).
- b) Raw opium, in medicinal or any other form.
- c) Alkaloids and salts of opium, with the exception of papaverine.
- d) The derivatives of opium, with the exception of apomorphine.
- e) Compounds containing opium or its alkaloids or derivatives and analogous synthetic substances
- f) Esters of morphine: heroin, diionine and codeine.
- g) Synthetic alkaloids: hydrochloride of dihydrohydroxy-codeinone (Eucodal); bitartrate of dihydro-morphinone (Eilaudid); hydrochloride of acetyldimethyldihydrothebaine (Acedicone); dehydromorphine (Paramorfan); morphine N-oxide (Genomorfina) and derivatives, and other derivatives of morphine with a pentavalent nitrogen base.
- h) The succedanea of morphine: hydrochloride of 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester (Merpipridin, Demerol, Dolosal, Dolatol, Dolantin, Felidin or Dolaren). 1,1-diphenyl-1-(dimethyl-amino-isopropyl)-butanone 2 or 6-dimethylamino-4,4-diphenyl-3-heptanone (Amidon or Metadon, amidosan, amidone).
- i) The different varieties of the coca leaf, especially *Erythroxyton novogranatense* (Morris).
- j) Cocaine and its salts, including preparations made directly from the coca leaf.
- k) Ecgonine and its derivatives.
- l) *Cannabis indica* (marihuana), in any of its forms, derivatives or preparations.
- m) Any other preparations or products which contain any of the substances mentioned in the preceding sub-paragraphs and in general those of a similar character.

ARTICLE 264. The General Health Board shall have the authority to determine whether a product is of a similar character to those mentioned in the preceding Article.

ARTICLE 265. All the acts mentioned in Article 262 shall be forbidden in the Republic of Mexico with regard to the following substances:

- I. Opium for smoking.

- II. Diacetylmorphine (heroin), its salts and preparations.
- III. Cannabis indica (marihuana) in any of its forms, derivatives or preparations.

ARTICLE 266. A similar prohibition may be laid down by the General Health Board with regard to any of the substances listed in Article 263 when it considers that these products may, for therapeutic purposes, be replaced by others when in its opinion they are not habit-forming.

ARTICLE 267. The cultivation and harvesting of cannabis indica, the poppy (*Papaver somniferum*) and the coca tree of the genus *Erythoxylon novogranatense* (Morris) shall be prohibited in the Republic of Mexico.

ARTICLE 268. The transit through the Republic of Mexico, on the way to another country, of the substances mentioned in Article 263 and of those determined in accordance with Article 264 shall be prohibited.

ARTICLE 269. The Ministry of Health and Welfare shall have sole authority in the Republic to grant licences for any act relating to narcotic drugs.

ARTICLE 270. Only the professionals described below may, under the conditions indicated, and provided their diplomas are registered with the Ministry of Health and Welfare, prescribe narcotic drugs:

- I. Medical practitioners.
- II. Veterinarians, for the treatment of animals.
- III. Dental surgeons, for odontological cases.
- IV. Homeopaths, whatever their diploma, provided that they use narcotic drugs in accordance with their therapeutic system.
- V. Mid-wives, for use exclusively in obstetrical cases.

The whole of the above shall be subject to the conditions and safeguards established by the same Ministry and the Regulations.

ARTICLE 271. Pharmacists shall not issue substances referred to in the preceding Article when prescribed by professionals who do not clearly state their name, number of registry with the Ministry of Health and Welfare, their address and the date of the prescription; or when the dose is larger than permitted in the pharmacopoeia or laid down in the Regulations.

ARTICLE 272. In cases of infraction of sanitary provisions in the issuance of narcotic drugs, penalties shall be imposed on the responsible pharmacist or the proprietor, who shall be held wholly responsible, without prejudice to penalties being imposed on other persons concerned.

ARTICLE 273. Medical practitioners, dental surgeons, veterinarians and mid-wives shall prescribe narcotic drugs only in cases of emergency or when they are in charge of a patient or of a treatment.

ARTICLE 274. The persons permitted under Article 270 to prescribe narcotic drugs shall give clearly the date, the name of the substance fully written out, the dose, the number under which their diplomas are registered with the Ministry of Health and Welfare, their name and address and their signature.

ARTICLE 275. Prescriptions of narcotic drugs shall be entered on special receipt forms

furnished by the Ministry of Health and Welfare, with the exception of those indicated in the Regulations.

ARTICLE 276. Chemists' shops or pharmacies shall collect receipts in which narcotic drugs are prescribed in order to transmit them to the inspectors of the Ministry of Health and Welfare whenever required.

ARTICLE 277. The Ministry of Health and Welfare shall establish in such places in the Republic as it deems appropriate special sanatoria for the treatment and internment of drug addicts and shall determine the period of time they must remain under treatment.

ARTICLE 278. The Regulations shall establish the cases in which treatment shall be given at the expense of the patient and the requirements to be met by the sanatoria for treatment of drug addicts.

ARTICLE 279. All imports and exports of narcotic drugs shall require licences issued by the Ministry of Health and Welfare in the form determined by the Regulations.

ARTICLE 280. The Ministry of Health and Welfare shall grant licences for the import of narcotic drugs only to the following:

- I. Firms dealing in drugs, for sale to pharmacies, chemists' shops and laboratories, or for patent medicines prepared by the firms themselves.
- II. Laboratories or factories of medicinal products, solely for the preparation of products registered with the Ministry of Health and Welfare; they shall not transfer these drugs to any of the establishments mentioned in this Code, unless they have left-over stock and have cancelled their registry and ceased manufacturing some of their medicinal products which contain narcotic drugs. In all such cases, the permission of the Ministry of Health and Welfare for the transfer of such narcotic drugs must be requested.

ARTICLE 281. No special permission from the Ministry of Health and Welfare is required for any of the acts mentioned in Article 262 in connexion with preparations which contain narcotics in a proportion not exceeding the limits prescribed in the regulations issued by the General Health Board.

ARTICLE 282. The customs house through which the products referred to in the preceding article enter the country shall transmit to the Ministry of Health and Welfare, through the intermediary of the General Customs Office, a monthly list of such products, indicating the date of importation, the names and addresses of the consignee and the ultimate receiver, the commercial name of the product, the number of bottles, vials, etc.; it being obligatory on the importers to furnish all such data.

ARTICLE 283. Preparations containing any of the substances referred to in Article 263 in greater quantities than specified in the regulations mentioned in Article 281, may be imported only if the requisite licence is previously issued by the Ministry of Health and Welfare.

ARTICLE 284. The licences referred to in the foregoing articles shall be communicated by the Ministry of Health and Welfare to the General Customs Office, copies to be transmitted to the appropriate customs house which will deliver to the beneficiaries or their legal

representatives, after payment of the duties involved, the narcotic drugs the importation of which has been authorized.

ARTICLE 285. Imports of narcotic drugs and products or preparations containing them in any proportion may be made only through the customs house or houses designated by the Ministry of Health and Welfare.

ARTICLE 286. Lack of a licence from the Ministry of Health and Welfare for the importation of narcotic drugs or preparations containing them, as well as clandestine importation or importation through an unauthorized customs house shall, for the purposes of the Customs Law, be considered smuggling, without prejudice to the relevant penal procedure.

ARTICLE 287. The consular offices of Mexico shall certify the invoices covering narcotic drugs and products containing them, provided that the persons concerned present the following documents:

- I. A licence legally issued by the competent authorities of the exporting country authorizing the exportation of the products declared in the relevant consular invoice, which must be exclusive.
- II. A licence from the Ministry of Health and Welfare authorizing the importation of the products stipulated in the same consular invoice. These licences shall be collected by the consuls when certifying the invoice.

The consuls shall not certify any invoices which are not exclusive or which cover greater quantities than those expressly authorized, as well as those which mention any customs house other than those specified in Article 412.

ARTICLE 288. For the purposes of paragraph II of the preceding article, the Ministry of Health and Welfare shall issue the licence in duplicate so that the receiver may send the original to the exporters of the product and retain the copy, which will be collected by the appropriate customs house when surrendering the shipment.

ARTICLE 289. In order that the Ministry of Health and Welfare may issue an export licence for narcotic drugs or products containing them, it is required that:

- I. The persons concerned justify the legal export of such narcotic drugs.
- II. The customs house through which the export is made shall be one of those mentioned in Article 285.

The Ministry of Health and Welfare shall note on the licence issued by it the number and date of the export licence, a copy of which it shall send to the appropriate customs house through the intermediary of the General Customs Office.

ARTICLE 290. Imports and exports of narcotic drugs and of products containing them shall in no case be made through the mails. Any consignments made in violation of this provision shall be seized and surrendered to the Ministry of Health and Welfare for the purposes stated in the following Article, without prejudice to the penal responsibility thus incurred.

ARTICLE 291. The narcotic drugs or products containing them which have been seized as well as instruments and other objects used in the commission of offences or crimes, shall be used to cover the needs of such dependent institutions of the Ministry of Health and Welfare and the Public Assistance Department as in the former's judgment may need them.

ARTICLE 292. For the purposes of the preceding Article, the Ministry of Health and Welfare shall establish a special repository, subject to control similar to that of pharmacies and

chemists' shops, with respect to the conservation of the drugs. The institutions of the Ministry of Health and Welfare shall strictly observe the provisions relating to that subject.

ARTICLE 293. In the cases referred to in Article 266, the products involved in the infringement shall be put at the disposal of the Ministry of Health and Welfare in order to be rendered unusable; a representative of the Department of Finance, a representative of the Ministry of Health and Welfare and a representative of the authority effecting the seizure shall take part in this.

ARTICLE 294. The Ministry of Health and Welfare, either directly or through representatives or inspectors designated by it and in general through officials authorized by it, shall control any operation or act in the Republic relating to narcotic drugs and shall see to the observance of the laws and other provisions referred to in the present Chapter.

ARTICLE 295. As a consequence of the provisions of the preceding Article, the Ministry of Health and Welfare shall have the power to intervene, in connexion with traffic in narcotic drugs in maritime and aerial ports, frontiers and in any other point in the Republic at which the import, export, transfer or traffic in narcotic drugs takes place.

ARTICLE 296. For the purposes of Article 295, the Ministry of Health and Welfare, through the officials and employees referred to in Article 294, may freely inspect any products transported by means of ships, railways, aeroplanes and along highways anywhere in the Republic.

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CORRIGENDUM

Page 3. Insert in centre of page as heading the following:

"NEW HEALTH CODE"