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LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

MEXICO

Communicated by the Government of Mexico

NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

FEDERAL LAW FOR THE CONTROL OF CHEMICAL PRECURSORS, ESSENTIAL CHEMICAL SUBSTANCES AND MACHINERY FOR MANUFACTURING CAPSULES, TABLETS AND/OR PILLS (24 December 1997)

ERNESTO ZEDILLO PONCE DE LEÓN, President of the United Mexican States,
to all inhabitants of the country, be it known:

That the Congress of the Union has sent me the following

DECREE

**“THE CONGRESS OF THE UNITED MEXICAN STATES DECREES:
FEDERAL LAW FOR THE CONTROL OF CHEMICAL PRECURSORS,
ESSENTIAL CHEMICAL SUBSTANCES AND MACHINERY FOR
MANUFACTURING CAPSULES, TABLETS AND/OR PILLS**

CHAPTER I

General provisions

Article 1. The purpose of this Law is to control the production, preparation, sale, acquisition, importation, exportation, transport, storage and distribution of chemical precursors, essential chemical substances and machines for manufacturing capsules, tablets and/or pills, in order to avoid their diversion for the illicit production of narcotics. Its provisions are public policy and for general application throughout the national territory.

This enactment shall apply without prejudice to the provisions of the General Health Law and other applicable provisions.

In the absence of express provisions in this Law, the Federal Law on Administrative Procedure shall apply supplementarily.

Article 2. For the purposes of this Law:

I. “Regulated activities” means the production, preparation, sale, acquisition, importation, exportation, transport, storage and distribution of chemical precursors, essential chemical substances or machines;

II. “Council” means the General Health Council;

III. “Departments” means those listed in paragraphs II to VI of article 3 of this Law and the Office of the Attorney-General of the Republic;

IV. “Diversion” means the use of chemical precursors, essential chemical substances or machines for the illicit production of narcotics;

V. “Machines” means equipment for processing solids, semi-solids or liquids in the form of capsules, tablets and/or pills;

VI. “Chemical precursors” means basic substances for producing narcotics, in that they incorporate their molecular structure in narcotics;

VII. “Essential chemical substances” means substances such as solvents, reagents or catalysts that, though not precursors, can be used for producing narcotics;

VIII. “Parties” means individuals or corporate entities carrying out the regulated activities; and

IX. "Abnormal decrease" is to be understood as defined by the implementing regulations for each product, process and means of transport.

Article 3. The enforcement of this Law shall be the responsibility of the Federal Executive, through:

- I. The General Health Council;
- II. The Secretariat for Foreign Affairs;
- III. The Secretariat of Finance and Public Credit;
- IV. The Secretariat of Commerce and Industrial Development;
- V. The Secretariat of Communications and Transport; and
- VI. The Secretariat of Health.

The Office of the Attorney-General of the Republic shall be responsible for intervening in the areas of its competence in accordance with its constitutional and legal powers.

CHAPTER II

On substances

Section 1

On chemical precursors and essential chemical substances

Article 4. The substances controlled by this Law shall be classified as follows:

- I. Chemical precursors:
 - (a) N-acetylanthranilic acid;
 - (b) Lysergic acid;
 - (c) Benzyl cyanide;
 - (d) Ephedrine;
 - (e) Ergometrine;
 - (f) Ergotamine;
 - (g) 1-phenyl-2-propanone;
 - (h) Phenylpropanolamine;
 - (i) Isosafrole;
 - (j) 3,4-methylenedioxyphenyl-2-propanone;
 - (k) Piperonal;
 - (l) Safrole; and
 - (m) Pseudoephedrine.

Also included in this category, whenever their existence is possible, are the salts and optical isomers of the substances listed in this paragraph; and

II. Essential chemical substances

- (a) Acetone;
- (b) Anthranilic acid;
- (c) Hydrochloric acid;
- (d) Phenylacetic acid;
- (e) Sulphuric acid;
- (f) Acetic anhydride;
- (g) Ethyl ether;
- (h) Methyl ethyl ketone;
- (i) Potassium permanganate;
- (j) Piperidine; and
- (k) Toluene.

Also included in this category, whenever their existence is possible, are the salts of the substances listed in this paragraph, with the exception of the salts of hydrochloric and sulphuric acid.

Article 5. The Council, on receiving favourable advice from the departments, shall decide, in a decision to be published in the Official Gazette of the Federation, on the addition or deletion of chemical precursors or essential chemical substances to be subjected to or excluded from the application of this Law.

The Council, in adding substances, shall take into account:

- I. The importance and diversity of their legitimate uses, as well as the cost involved in their regulation;
- II. The frequency of their use in the illicit manufacture of narcotics; and
- III. The volume of narcotics produced illicitly with the substances concerned and the seriousness of the public health problem caused.

Article 6. The Council, on receiving favourable advice from the departments, shall decide, in a decision to be published in the Official Gazette of the Federation, on the quantities or volumes of essential chemical substances above which the provisions of this Law shall begin to be applicable to persons who carry out the regulated activities, as well as with respect to third persons with whom they carry out the activities.

In so deciding, the Council shall take into account:

- I. The characteristics and properties of the substances;
- II. The industrial and commercial processes in which they are applied, and changes in their cost; and
- III. The activities and uses to which they are assigned.

It shall not be permissible to separate or reduce the quantity or volume of each operation carried out with essential chemical substances with the purpose of evading application of this Law.

Section 2

On annual reports and notifications

Article 7. Parties, with the exception of transporters, shall report to the Secretariat of Health annually on the following:

- I. The name, domicile and, if applicable, federal tax identification of parties with whom they have carried out any regulated activity, and
- II. The quantity or volume of chemical precursors or essential chemical substances that were the object of each regulated activity.

Article 8. All those who transport chemical precursors or essential chemical substances by land, sea or air must send a one-time notification to the Secretariat of Communications and Transport within 30 days following the date on which they transport such substances for the first time. Such notification must contain the following:

- I. Name, federal tax identification and domicile;
- II. Identification data of the land, sea or air vehicles that will be used; and
- III. The data concerning the concession, authorization or permit issued by the Secretariat of Communications and Transport under the applicable provisions.

Article 9. All those obliged to give the notification referred to in the preceding article shall report to the Secretariat of Communications and Transport annually on the quantities or volumes of chemical precursors or essential chemical substances transported during the period by the parties to whom they rendered the service and, if applicable, changes in the data contained in the one-time notification.

Article 10. All those who transport chemical precursors or essential chemical substances by their own means and solely for their private use shall be exempt from the obligations set forth in articles 8 and 9 of this Law. The implementing regulations shall define the quantities or volumes to be considered as for private use.

Article 11. The annual reports referred to in articles 7 and 9 of this Law shall be submitted within 60 days following the last day of the year concerned, in formats to be decided upon by the Secretariats of Health and of Communications and Transport in a decision to be published in the Official Gazette of the Federation.

Section 3

On records

Article 12. Parties shall maintain a record of each regulated activity that they carry out and shall preserve the record for a period of three years. The record shall contain the following:

- I. Date on which the regulated activity was carried out;
- II. Identity data of the parties with whom they operated;
- III. Description, volume, origin, means of transport and destination of chemical precursors or essential chemical substances; and
- IV. Form of delivery and payment.

Article 13. For purposes of the preceding article, parties must obtain from the persons with whom they carry out any regulated activity copies of the following documents:

I. The health authorizations or notifications of operation of the relevant establishments under the General Health Law and other applicable provisions;

II. In the case of corporate entities, documentation accrediting that they are legally constituted and that their legal representative has the necessary powers for the performance of the act concerned;

III. In the case of parties that have no domicile on the national territory, as applicable, documentation accrediting that they are authorized or registered by the competent authorities of their countries to carry out the operation in question; and

IV. Other documents specified by the Council, on receiving favourable advice from the departments, to be published in the Official Gazette of the Federation, for the fulfilment of the objectives of the Law.

The documentation concerned must be obtained once and be preserved for a period of three years.

Article 14. The parties shall immediately report the following to the Secretariat of Health:

I. Any regulated activity involving an extraordinary volume of chemical precursors or essential chemical substances, an unusual method of payment or delivery, or any circumstance that may indicate a diversion;

II. A proposal to carry out any of the regulated activities coming from parties whose descriptions or characteristics coincide with information provided previously by any of the departments; and

III. The disappearance of or an abnormal decrease in chemical precursors or essential chemical substances.

Section 4

On importation and exportation

Article 15. For the importation or exportation of chemical precursors or essential chemical substances that do not require authorization, licence or permit under the applicable provisions, notification shall be given to the Secretariat of Health five days before the date on which the operation is carried out or in accordance with the provisions of international treaties to which Mexico is a party.

Article 16. The importation or exportation of chemical precursors may take place only at customs points to be determined by the Secretary of Health on the advice of the departments. In no case may it take place by post or messenger service.

CHAPTER III

On machines

Article 17. Parties who produce, sell, acquire, import, export or store machines shall report to the Secretariat of Commerce and Industrial Development annually on the following:

- I. The name, federal tax identification and domicile of the party with whom they carried out each operation referred to in this article, and
- II. Identification data and quantity of machines.

The report referred to in this article shall be submitted within 60 days following the last day of the year concerned, in formats to be decided on by the Secretariat of Commerce and Industrial Development in a decision to be published in the Official Gazette of the Federation.

CHAPTER IV

On the powers of the departments

Section 1

On verification

Article 18. Verification of the regulated activities shall be affected by:

- I. The Secretariat of Health, in respect of the obligations set forth in articles 7, 11, 12, 13, 14 and 15 regarding the production, preparation, sale, acquisition, storage, exportation and importation of chemical precursors or essential chemical substances;
- II. The Secretariat of Communications and Transport, in respect of the obligations set forth in articles 8, 9, 11, 12 and 13, in relation to the transport of chemical precursors or essential chemical products; and
- III. The Secretariat of Commerce and Industrial Development, in respect of the obligations referred to in article 17.

Article 19. Without prejudice to other provisions, departments that detect any operation in which there is a possible diversion of chemical precursors, essential chemical substances or machines shall immediately so inform the Prosecution Service of the Federation.

Section 2

On the database

Article 20. The departments shall jointly establish a database with information on the parties, establishments and activities regulated, the operation and protection of which shall be the responsibility of the General Health Council.

The departments shall decide on the information to be contained in the database and establish the technical criteria for its compilation, updating and consultation, and the levels of access.

The information contained in the database shall be confidential. It may be revealed or made available only upon an order from the judicial authority and when it is necessary for compliance with international treaties.

CHAPTER V

On international cooperation

Article 21. The departments shall designate the administrative units responsible for complying with undertakings to other countries or international organizations related to the purposes of this Law.

Article 22. The Secretariat for Foreign Affairs, through the Mexican consuls abroad who, in accordance with the applicable provisions, intervene in procedures relating to regulated activities, shall immediately notify the Secretariat of Health regarding acts in which they intervene.

CHAPTER VI

On sanctions

Article 23. The departments empowered to undertake verification under article 18 of this enactment shall be competent to sanction violations of this Law as follows:

I. Violations of articles 7, 8, 9, 11, 15 and 17 with a fine of between 500 and 1,000 times the general minimum daily wage applicable in the Federal District at the time of the violation,

II. Violations of articles 12, 13 and 14 with a fine of between 1,000 and 3,000 times the general minimum daily wage applicable in the Federal District at the time of the violation.

The sanctions provided for in this article shall apply without prejudice to any liability to criminal prosecution.

TRANSITIONAL PROVISIONS

FIRST. This Law shall come into force 90 days after its publication in the Official Gazette of the Federation.

SECOND. The Council shall publish the decision referred to in article 6 of this Law within 30 days following the entry into force of this enactment.

THIRD. The first of the annual reports referred to in articles 7, 9 and 17 of this Law shall cover the period from the entry into force of this Law to 31 December 1998.

FOURTH. The regulations implementing this Law shall be published in the Official Gazette of the Federation within 90 days after the date of its promulgation.

Mexico, D. F., 10 December 1997. Dip. Rafael Ocegüera Ramos, President. Sen. Heladio Ramírez López, President. Dip. Jaime Castro López, Secretary. Sen. José Antonio Valdivia, Secretary. Signatures.”

In fulfilment of the provisions of article 89, paragraph I, of the Political Constitution of the United Mexican States, and for its due publication and application, I promulgate this Decree at the residence of the Federal Executive Power, in Mexico City, Federal District, on the twenty-second day of December, nineteen hundred and ninety-seven. **Ernesto Zedillo Ponce de León**.—Signature.—
The Secretary of the Interior, **Emilio Chuayffet Chemor**.—Signature.