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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 [...].

### REGULATIONS TO CONTROL SUBSTANCES THAT ARE PSYCHOTROPIC WHEN INHALED

JOSE LOPEZ PORTILLO, Constitutional President of the United Mexican States, exercising the authority held by the Federal Executive under article 89(I) of the Political Constitution of the Republic, on the basis of the provisions of articles 3(XI), 34, 102, 145, 147, 212, 319, 320, 321(V), 325, 326, 423, 439, 440 and 453 of the Public Health Act of the United Mexican States; 33(XX), 34(XIV), 38(XXX), 20(XV) and (XVI) and 40(XI) of the Act Establishing the Federal Public Administration, and

#### CONSIDERING

That habitual or repeated inhalation of certain psychotropic substances in industrial or everyday use, which are at present distributed and retailed with no restrictions, is a public health problem affecting in particular children and adolescents to whom these substances cause serious bodily, psychological and social injury;

That forceful measures must be taken to prevent these harmful consequences, especially within that sector of the population which, because of its youth, must receive the most careful protection;

That harmful effects on health are also caused by using these substances on unsuitable premises or without taking the proper precautions;

That the preventive measures referred to must, if they are to combat the problem effectively and in depth, include health programmes of monitoring and supervision supported by information and education campaigns designed to make the public aware of the social and individual damage that the measures are designed to prevent; and

That such action should be pursued, without encroaching upon legitimate rights and interests, but by promoting the understanding and participation of industrial and commercial firms through other measures, in order to protect public health and above all the normal development of minors; I have seen fit to issue the following:

#### REGULATIONS ON THE CONTROL OF SUBSTANCES THAT ARE PSYCHOTROPIC WHEN INHALED

ARTICLE 1. These regulations shall apply throughout the national territory; their purpose is to make administrative provision for compliance with the Public Health Act of the United Mexican States with respect to substances that are psychotropic when inhaled, as included in article 231(V), taken with article 325 of the said enactment. The Ministry of Health and Welfare is responsible for their implementation and action may be taken, in accordance with the applicable provisions, by the Ministries of State Assets and Industrial Development, Commerce, Public Education and Labour and Social Security.

ARTICLE 2. These regulations apply to the following substances having psychotropic effects when inhaled:

I. Raw materials used in industry, separately or in combination, which produce or may produce psychotropic effects when inhaled:

(a) Hydrocarbons

1. Benzene
2. Toluene
3. Hexane
4. Heptane

(b) Chlorinated hydrocarbons

1. Perchloroethylene
2. Carbon tetrachloride
3. Trichloroethane
4. Methyl chloride
5. Amyl chloride
6. Methylene chloride
7. Dichloropropylene
8. 1,2-Dichloroethane
9. Tetrachloroethane
10. Monochlorobenzene

(c) Esters

1. Butyl formate
2. Methyl acetate
3. Ethyl acetate
4. Amyl acetate

(d) Ketones

1. Acetone
2. Methyl ethyl ketone
3. Isophorone

(e) Alcohols

1. Methanol

(f) Industrial ethers

1. Dichloroethyl ether
2. Cellosolve
3. Methyl Cellosolve
4. Dimethyl Cellosolve
5. Butyl Cellosolve
6. Carbitol
7. Methyl Carbitol
8. Diethyl Carbitol
9. Butyl Carbitol

II. End products containing organic solvents, which produce or may produce psychotropic effects when inhaled:

(a) Thinners of all types

(b) Adhesives:

Glues (cements) for the footwear industry  
Glues (cements) for model-making  
Glues (cements) for patching the inner tubes of tyres  
Contact glues (cements)

(c) Aerosol hair sprays

(d) Paint strippers and varnishes containing ketones

(e) Shoe-colouring products

(f) Spot removers for textiles, leathers and plastics

ARTICLE 3. The Ministry of Health and Welfare shall, after consultation with the Ministry for State Assets and Industrial Development, publish in the Official Gazette of Mexico a decision establishing the classification and characteristics of the products to which these regulations apply, according to the danger they present, directly or indirectly, to human health.

ARTICLE 4. Manufacturers of products in which one or more of the substances specified in article 2 are used shall so inform the Ministry of Health and Welfare in writing, specifying the products concerned and the proportions in which the substances are used.

ARTICLE 5. Without prejudice to the information they must display to comply with other legal provisions, packaging used for products containing substances mentioned in article 2 shall be marked with the warning:

"THIS PRODUCT CONTAINS TOXIC SUBSTANCES WHICH, IF INHALED FOR LONG PERIODS OR REPEATEDLY, WILL CAUSE SERIOUS DAMAGE TO HEALTH. DO NOT LEAVE WITHIN REACH OF MINORS."

The label bearing the above warning shall specify the antidotes to be used in case of poisoning, in accordance with the provisions of the Ministry of Health and Welfare in this respect.

ARTICLE 6. For all relevant purposes, the manufacture and use of substances listed in article 2 are considered dangerous occupations.

ARTICLE 7. The containers and dispensers of products containing substances covered by the present regulations shall be so protected as to prevent leakage of those products during their storage, transportation or possession. The means of protection shall be those specified by the Ministry for State Assets and Industrial Development, in consultation with the Ministry of Health and Welfare.

ARTICLE 8. The Ministry of Health and Welfare and the Ministry of Public Education shall, within their respective spheres of competence, ensure that artisanal workshops, schools and similar centres where use is made of one or more of the substances covered by these regulations are adequately ventilated and, if necessary, have a system for circulating fresh air; they shall promote the use of less toxic products.

ARTICLE 9. In order to prevent and combat the use by inhalation of the substances covered by these regulations, the Ministry of Health and Welfare, in co-operation with the Ministry for State Assets and Industrial Development and the

Ministry of Commerce, may arrange by agreement to promote or introduce as appropriate the following measures in establishments that produce, use or distribute the toxic substances specified in article 2:

- (a) Prohibition of the sale of such substances to minors; this measure shall in all instances include thinners and adhesives;
- (b) Appropriate measures or procedures to modify the use of substances that are potentially highly toxic when inhaled, or to replace such substances, in industrial processes;
- (c) A requirement for manufacturers to make a prior declaration of any industrial use of the materials and substances specified in article 2(1), and to put them to no other use nor supply them to third parties for reasons not related to their industrial application;
- (d) Any other measures it may consider appropriate, in accordance with article 31 of the Public Health Act.

ARTICLE 10. In programmes intended to further health and health inspection, the Ministry of Health and Welfare shall give priority to instructing the public in the correct use of the substances covered by these regulations. To that end, the Ministry shall co-operate with the Ministry of Commerce, the Ministry for State Assets and Industrial Development and the Ministry of Public Education.

ARTICLE 11. The Ministry of Health and Welfare shall, in co-operation with the Ministry of Public Education and, where appropriate, other public and private bodies, promote and develop educational programmes in schools for the purposes specified in the previous article.

ARTICLE 12. The Ministry of Health and Welfare shall, in co-operation with the Ministry of Labour and Social Security, pursue activities aimed at improving the industrial hygiene of those whose work brings them into contact with the inhalable substances previously specified.

ARTICLE 13. Public health licences shall not be granted or renewed for premises in which the substances covered by these regulations are produced or used, unless the premises are equipped with a ventilation or fresh-air circulation system approved by the public health authorities.

ARTICLE 14. The owners, managers or persons in charge of industrial, commercial or service establishments in which use is made of products containing substances listed in article 2 shall report to the public health authorities, within three days, any case of poisoning among their employees. The employees shall also supply any information required.

ARTICLE 15. Doctors and other health professionals who have knowledge of any case of serious poisoning due to inhalation of the substances covered by these regulations shall alert the public health authorities immediately.

ARTICLE 16. The Ministry of Health and Welfare, in co-operation with the federal, local and municipal police forces, which for this purpose are considered as arms of the Ministry itself, shall establish special permanent surveillance in the vicinity of schools and in public parks, marginal urban areas and other public places in which the substances covered by these regulations are known to be used or abused.

ARTICLE 17. The Ministry of Health and Welfare, independently or in co-operation with other government departments, semi-State or private bodies, shall provide medical and social assistance to anyone suffering from the effects of inhaling the substances covered by these regulations.

ARTICLE 18. The Ministry of Health and Welfare shall encourage co-ordination of the activities of citizens' groups and shall to that end further the establishment of parents' associations, specialized centres and other associations working to bring care and assistance to minors addicted to substances covered by these regulations.

ARTICLE 19. Any person may report to the Ministry of Health and Welfare any violations of these regulations by organizations or individuals trading illegally in inhalable substances with psychotropic effects, and supply information about the meeting places of inhalers.

ARTICLE 20. The Ministry of Health and Welfare shall periodically convene the departments, organizations, institutions and moral and physical persons who, by reason of their functions, corporate aims or activities are concerned with the subject of these regulations, in order to co-ordinate their activities and assess what has been achieved.

ARTICLE 21. The Ministry of Health and Welfare may implement as appropriate the safety measures and penalties described in articles 423, 439 and 440 of the Public Health Act of the United Mexican States.

ARTICLE 22. Offences under these regulations shall be punishable, in accordance with article 443 of the Public Health Act, by fines of 500 to 25,000 pesos.

ARTICLE 23. Recidivism shall be punished in accordance with the provisions of articles 446 and 447 of the Public Health Act.

ARTICLE 24. When health permits granted to an establishment lapse, the sales outlets to which the permits applied must in all cases be closed.

ARTICLE 25. In appeals against the implementation of safety measures and penalties provided for in these regulations, the administrative recourse on grounds of non-compliance shall be admissible and the procedure for it shall conform to the terms of chapter V, section 5 of the Public Health Act of the United Mexican States.

ARTICLE 26. Persons who accidentally inhale substances covered by these regulations shall be exempted from any administrative measures. In cases of habitual or repeated inhalation of those substances, the appropriate health, education and rehabilitation measures shall be applied.

#### TRANSITIONAL PROVISIONS

ARTICLE ONE. These regulations shall come into force 30 days after their publication in the Official Gazette of Mexico.

ARTICLE TWO. The Ministry of Commerce and the Ministry for State Assets and Industrial Development shall, in the exercise of their respective authority or at the request of the Ministry of Health and Welfare, allow a time period depending on the circumstances of each case, but not to exceed three months, for those concerned

to comply with the provisions of article 5 as they apply to products existing or in the process of manufacture at the date of publication of these regulations.

ARTICLE THREE. Statutory provisions that contradict those contained herein are hereby repealed.

Issued at the residence of the Executive Authority in Mexico City, Federal District of Mexico, on the seventh day of the month of January nineteen eighty-one - José López Portillo - Initials - the Minister of the Interior, Enrique Olivares Santana - Initials - the Minister for State Assets and Industrial Development, José Andrés Oteyza - Initials - the Minister of Commerce, Jorge de la Vega Domínguez - Initials - the Minister of Public Education, Fernando Solana - Initials - the Minister of Health and Welfare, Mario Calles - Initials - the Minister of Labour and Social Security, Pedro Ojeda Paullada - Initials - the Minister of Finance and Public Credit, David Ibarra Muñoz - Initials.