

COUNSEL OF GENERAL SANITATION

AGREEMENT by which control and surveillance measures have been established for the use of phenylacetic acid, its salts and derivatives; methylamine; iodhydric acid and red phosphorus.

At the margin a stamp showing the National Emblem that says: Estados Unidos Mexicanos.- Consejo de Salubridad General.

The Counsel of General Sanitation, based on the articles 4th third paragraph, 73 fraction XVI, bases 1st and 4th of the Political Constitution of the Mexican United States; 4th fraction II, 17 fraction I, 17 bis fraction II, 244, 245, 246 and 247 fraction III of the General Health Law; 5 and 6 of the Federal Law for the control of Chemical Precursors, Essential Chemical Products and Machines to manufacture Capsules, Tablets and/or Pills; 4 and 5 of the Regulations of the Federal Law for the control of Chemical Precursors, Essential Chemical Products and Machines to manufacture Capsules, Tablets and/or Pills; 1st, 3rd, 5th fractions IV and XV, 7th fraction II, 8th fraction II of the Internal Regulations of the Counsel of General Sanitation, and

CONSIDERING

That the National Development Plan 2007-2012, establishes the fight against drug dealing as one of the main axes of the current administration, for it is one of the most harmful manifestations to the entire society, not only for the high levels of violence it implies but also for the threat it signifies to the physical, emotional and moral health of the Mexicans;

That it is the duty of the Counsel of General Sanitation, as sanitary authority, take measures against the sale of substances which poison people or degenerate mankind, attribution which is in accordance with the obligation established by the 4th constitutional article to guarantee the protection of people's health;

That the sanitary control of psychotropic substances and raw materials that intervene in the manufacture thereof is the exclusive duty of the Health Department, by virtue of the high risks these products represent to people's health;

That the criteria, to determine control and surveillance measures which will have to be adopted by the sanitary authorities regarding psychotropic substances, are duly included in the Fifth and Sixth Chapters of the Twelfth Title of the General Health Law;

That control and surveillance measures are necessary as to certain substances such as chemical precursors and essential chemical products that are used in the manufacture of synthetic drugs and that due to the easiness with which they are obtained an increase in their consumption has been triggered;

That the organized crime has found alternative methods for the manufacture of illicit substances by developing new obtaining processes through using phenylacetic acid and methylamine before the rigorous measures and actions taken by the Mexican government with regard to the production of synthetic drugs;

That the preliminary results of the National Survey of Addictions 2008 has shown the increase of methamphetamines in consumers, jumping from 0.1% of once-in-a-lifetime prevalence in people between 12 and 65 years old in 2002 to 0.5% in 2008;

That the International Narcotics Control Board (INCB), on its report on chemical precursors and chemical products frequently used for the illicit manufacture of narcotics and psychotropic substances corresponding to 2007, informs that Mexico is the biggest importer of phenylacetic acid;

That although the phenylacetic acid is deemed an essential chemical product regulated by the Federal Law for the Control of Chemical Precursors, Essential Chemical Products and Machines to manufacture Capsules, Tablets and/or Pills, the international trends are focused on a stricter control due to its low therapeutic value and the increase of its use for the illicit manufacture of narcotics;

That based on the analysis of substances employed in the production of synthetic drugs in recently secured clandestine laboratories, it was determined that it was necessary to modify the regulation of iodhydric acid, methylamine, red phosphorus and phenylacetic acid with its salts and derivatives, and

That in compliance with the powers granted to the Counsel of General Sanitation to add or exclude those substances which will have to abide by the control of the Federal Law for the Control of Chemical Precursors, Essential Chemical Products and Machines to manufacture Capsules, Tablets and/or Pills;

That the plenary session of the Counsel of General Sanitation in its 6th Ordinary Session held on August 13th 2009, agreed to issue the following:

AGREEMENT BY WHICH CONTROL AND SURVEILLANCE MEASURES HAVE BEEN ESTABLISHED FOR THE USE OF PHENYLACETIC ACID, ITS SALTS AND DERIVATIVES; METHYLAMINE; IODHYDRIC ACID AND RED PHOSPHORUS

FIRST. The substance denominated as phenylacetic acid, as well as its salts and derivatives, is added to the classification list which the fraction I of the 4th article of the Federal Law for the Control of Chemical Precursors, Essential Chemical Products and Machines to manufacture Capsules, Tablets and/or Pills refers to. Thus it is excluded from the list of article II of said 4th article.

SECOND. The substance denominated as methylamine is added to the classification list which the fraction I of the 4th article of the Federal Law for the Control of Chemical Precursors, Essential Chemical Products and Machines to manufacture Capsules, Tablets and/or Pills refers to.

THIRD. The substances denominated as iodhydric acid and red phosphorus are added to the classification list which the fraction II of the 4th article of the Federal Law for the Control of Chemical Precursors, Essential Chemical Products and Machines to manufacture Capsules, Tablets and/or Pills refers to.

FORTH. As of the moment this agreement comes into force, the substances denominated as phenylacetic acid, its salts and derivatives, and methylamine are considered psychotropic substances according to the fraction II of the 245th article of the General Health Law. Therefore, they are subject to the requirements that must be fulfilled for their manufacture, importation, exportation and domestic acquisition.

FIFTH. The application validity of this Agreement is subject to the stipulations of the articles 18th and 19th of the Federal Law for the Control of Chemical Precursors, Essential Chemical Products and Machines to manufacture Capsules, Tablets and/or Pills.

TEMPORARY

FIRST. This Agreement will come into force right on the day after it is published in the Mexican Official Daily.

SECOND. The people and the companies who possess inventories of any of the substances described in this Agreement will have to report them to the Federal Commission for Protection against Sanitary Risks (COFEPRIS) within a time period of 10 calendar days counting from the date this Agreement comes into force.

THIRD. The people and the companies who possess a notice of importation or exportation of phenylacetic acid and an importation permit of toxic substances for the methylamine will have to replace it for the corresponding sanitary permit within a time period that does not exceed 15 workdays counting from the date this Agreement comes into force, and will also comply with the requirements established in the applicable juridical dispositions.

Mexico, Distrito Federal, on the 13th of August of 2009.- The Secretary of Health and Chairman of the Counsel of General Sanitation, **José Angel Córdova Villalobos.**- Rubric.- The Secretary of the Counsel of General Sanitation, **Enrique Juan Diego Ruelas Barajas.**- Rubric.