



## New Health Law in Mexico City

On 9 August 2021 a new Health Law for Mexico City was published in the *Mexico City Official Gazette*. The new Health Law took effect on 10 August 2021 and replaces the former Mexico City Health Law, which was published on 17 September 2009.

### Previous legislation

Through the corresponding decree, the former law was repealed, together with a considerable number of other legal provisions applicable in Mexico City, including:

- the Gratuitous Hearing Aids Law;
- the Law for the Prevention and Integral Treatment of AIDS;
- the Law for the Prevention, Treatment and Control of Diabetes;
- the Law that Establishes the Gratuitous Medical Services Access and Medicines for Mexico City Residents with no Social Security Services;
- the Law for the Attention of Obesity and Dietary Maladies;
- the Law Regulating Dental Health Related Information and Dental Health for Children and Underage Individuals Resident in Mexico City;
- the Law for Integral Attention of Use of Psychoactive Substances in Mexico City; and
- the Mexico City Law for Anticipation of Death.

All of these legal provisions have been integrated in the new Health Law as a single legal body that includes the diverse concepts regulated therein.

### Time scales

The regulation to the new Health Law should be issued within six months (180 days) of its entry into force.

A period of 30 working days has been established for the purposes of integrating the administrative and budgetary requirements and requests in connection with the new authorities and public officials that will be in charge of implementing the new Health Law's diverse provisions.

## **Scope**

The new Health Law integrates the diverse legal provisions that relate to the sanitary control and regulation of services and products rendered or marketed in Mexico City in a more orderly manner.

The new Health Law is structured in three parts, each of which includes various chapters, as follows.

### ***Part 1 – general provisions***

The first part of the new Health Law comprises the following chapters:

- Chapter I – general matters;
- Chapter II – Ministry of Health;
- Chapter III – health services users' rights and obligations;
- Chapter IV – Mexico City health system and competent authorities; and
- Chapter V – counsels, commissions and committees.

### ***Part 2 – general health***

The second part of the new Health Law comprises the following chapters:

- Chapter I – emergency medical attention system;
- Chapter II – prehospital attention mobile units;
- Chapter III – malady prevention and control;
- Chapter IV – sanitary alert system;
- Chapter V – Mexico City public health laboratory;
- Chapter VI – mother and child attention;
- Chapter VII – sexual, reproductive health and family planning services;
- Chapter VIII – cancer;
- Chapter IX – AIDS;
- Chapter X – legal pregnancy interruption;
- Chapter XI – dentistry;
- Chapter XII – hearing;
- Chapter XIII – mental health;
- Chapter XIV – elderly individuals health attention;
- Chapter XV – gratuitous health services for individuals who have no social security services;
- Chapter XVI – health services human capital;

- Chapter XVII – health research;
- Chapter XVIII – health promotion;
- Chapter XIX – nutrition, obesity and eating disorders;
- Chapter XX – environmental effects on health;
- Chapter XXI – transmissible and non-transmissible sicknesses and maladies;
- Chapter XXII – use, abuse and addition to psychoactive substances;
- Chapter XXIII – accident prevention and medical attention;
- Chapter XXIV – physical attention and rehabilitation;
- Chapter XXV – organ donation and transplant;
- Chapter XXVI – blood transfer
- Chapter XXVII – health services for incarcerated individuals;
- Chapter XXVIII – traditional medicine; and
- Chapter XXIX – anticipation of death and final care.

### ***Part 3 – promotion, regulation, control and vigilance***

The third part of the new Health Law comprises the following chapters:

- Chapter I – general provisions;
- Chapter II – Mexico City sanitary risks protection agency;
- Chapter III – local health;
- Chapter IV – authorisations;
- Chapter V – certificates;
- Chapter VI – health vigilance and safety measures;
- Chapter VII – punishments; and
- Chapter VIII – administrative appeal.

Many of the above issues were addressed by the former Health Law. However, in the new Health Law, they have been modernised or amended as required based on recent experiences – not only directly from the covid-19 pandemic, but also in a number of areas where the health authorities in Mexico City previously lacked a formal legal basis to carry out certain acts or activities.

The competent Mexico City officials will be directly in charge of the sanitary verification and control of a considerable number of acts and activities under the new Health Law, as well as those cases where the corresponding actions are carried out based on federal cooperation agreements or programmes.

The new Health Law also incorporates several provisions regarding actions and the legal possibility for local health authorities to implement plans and programmes

derived from clinical or health emergencies. These new provisions clearly stem from a lack of the required legal grounds during the first stages of the covid-19 pandemic.

The new provisions contain diverse acts and activities, some of which are subject to federal provisions. Others, however, have more open wording, which may result in abuse by local authorities with regard to their verification capabilities.

### **Comment**

It is to be welcomed that the diverse laws regulating topics relating to health and health services in Mexico City have been integrated into a single legal body. However, the provisions included may be considered, in some cases, as only partially addressing the corresponding issues and, in other cases, as overlapping the federal agencies' competence.

It is important to look out for the regulation that is due to be issued, as well as the administrative and budgetary implementation of the new Health Law, in order to efficiently determine the actual scope of the local health authorities' auditing and verification activities.

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