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MEXICO CANNABIS UPDATE

2019 Outlook for Cannabis in Mexico



Even though the process for cannabis legalization in Mexico started a few years ago, 2018 will be remembered as the year when cannabis activists saw efforts materialized in groundbreaking supreme court resolutions, regulatory amendments and proposed legislation. (Click [here](#) to view read more on these developments).

Such developments resulted, [as previously reported](#), in the authorization by the Federal Commission for the Protection of Sanitary Risks (“COFEPRIS”) for the first products with cannabis and its derivatives to be imported and sold in Mexico. COFEPRIS has made at least two public announcements of these authorizations though it is expected that more applications will continue to be approved. Since then, availability of products such as those with CBD has been increasing, mainly online through small-scale vendors. This should change, however, as some of the applicants obtaining COFEPRIS authorizations are foreign-owned companies from countries like the United States and Spain.

On the legislative front, the proposal to issue the Federal Law for the Regulation and Control of Cannabis (*Ley General para la Regulación y el Control de Cannabis*) submitted on November 6, 2018 before the Senate is currently subject to review by the Senate Health and Security Committees, respectively. After issuing favorable resolutions, said committees will in turn send the bill for general Senate discussion and approval. With Senate’s approval, the bill will be then submitted to the lower chamber for a similar discussion and approval process. Once approved by both houses (senate and congress) the President will review and sign the new law - unless he has further observations.

The above-mentioned legislative process will be an opportunity to address concerns raised by interested parties from diverse backgrounds, including the following:

- Broadening the scope of provisions regarding self-consumption and cultivation (e.g. eliminate proposed limit of 480 grams per year for home cultivation along with obligation to record name at an anonymous users and plant registry);
- Allow edibles;
- Actions to implement a public health policy aimed at eliminating stereotypes or discrimination and promoting access to educational resources;
- More transparency in the formation and operation of the proposed Mexican Institute for the Regulation and Control of Cannabis (*Instituto Mexicano de Regulación y Control de Cannabis*), which would be in charge of regulating, monitoring, sanctioning and evaluating the regulation system, as well as to manage the producers’ official registry.



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Corral, Arzola, Armendáriz & Máynez

On the other hand, also filed last November in the Senate, is a bill to amend the General Health Law (*Ley General de Salud*, again), the Federal Criminal Code (*Código Penal Federal*) and the Federal Law against Organized Crime (*Ley Federal contra la Delincuencia Organizada*). The purpose of such bill is to de-penalize recreational use along with already permitted medical and therapeutic use consistent with the constitutional mandate derived from last year's supreme court resolutions.

The next legislative period starts on February 1 and ends on April 30. Considering the ruling party's majority in both houses, it is not unrealistic to expect this year the passage of the aforementioned bill and amendments. Perhaps 2019 will be the year of full cannabis legalization in Mexico.

If you're interested in learning more about cannabis regulation and business in Mexico, or have any comments or questions, feel free to email me at larmendariz@caamlegal.mx.

Luis Armendariz

<https://www.linkedin.com/in/luisarmendariz/>