

February 21, 2020

MEXICO CANNABIS LEGAL UPDATE #14

Import Ban for Electronic Cigarettes and Vaporizers



On February 19, 2020, the President issued a decree that modifies General Import and Export Law's tariff sections 3824.90.83, 8543.70.18 and 8543.90.03 (the "Decree"). The Decree prohibits the import of electronic nicotine or nicotine-free consumption systems, electronic cigarettes and vaporizing devices, its solutions and mixtures for such devices.

The Ministry of Health and the Federal Commission for the Protection against Sanitary Risks ("COFEPRIS") stated that such prohibition is based on the public health protection policy, in response to communications by the World Health Organization. It should be noted that on May 31, 2019, COFEPRIS had already publicly pronounced against sale of these products and later performed several seizures of such products.

The Decree becomes effective on February 20th, meaning the import prohibition of electronic cigarettes, vaporizers and its solutions and mixtures is in force as of yesterday.

Judicial challenges have been already filed before the Mexican Supreme Court of Justice against such prohibitive policies. One is Grupo Sanborns' claim (docket number, or *Amparo en Revisión* 853/2019). With such procedure, claimant expects the Supreme Court of Justice to determine if sale of such products is legal and allowed by the Mexican Constitution. In case the Supreme Court affirms so, such judgment will have exclusive effects only for Grupo Sanborns, but may likely set a precedent to create new case law.

If you would like an English translation of the proposed law at a discounted price, please reply to this message.

If you would like to consult our previous Mexico Cannabis Updates, please click [here](#).

If you're interested in learning more about the Mexican legalization process and what you or your clients can start doing to enter the Mexican market, please contact us at larmendariz@caamlegal.mx.