



The Mexican Senate commissions approve the Cannabis regulation proposal

On March 4, 2020, the Justice, Health, and Legislative Studies Commissions of the Mexican Senate approved the proposal that creates a Law for the Regulation of Cannabis, as well as various reforms to the General Health Law and the Federal Criminal Code. This proposal aims to regulate the recreational, medical and industrial use of cannabis.

It is important to remember that last year the Mexican Supreme Court of Justice ruled that the absolute prohibition of marijuana's recreational use is unconstitutional, and instructed the Congress to carry out legal modifications to eliminate said prohibition before April 30, 2020.

In order to gain legal force, both chambers of the Congress must vote and approve the proposed amendments, later on they will be published in the Official Gazette of the Federation. Some of the most important changes are:

- Psychoactive cannabis (marijuana) is clearly distinguished from non-psychoactive cannabis (hemp). Any compound or part of the plant containing tetrahydrocannabinol (THC) beyond 1% is considered psychoactive.
- The amount of psychoactive cannabis that a person can possess under the presumption of "personal use" is increased from 5 to 28 grams. Possession of up to 200 grams is decriminalized. If a person has more than 28 grams but less than 200, he/she will be fined and taken to a civic court.
- The proposal creates the Mexican Cannabis Institute. Its purpose will be to assist the health authorities concerning the uses of cannabis, as well as granting licenses for different types of use.
- All authorizations previously issued by the authorities will maintain legal force under its original terms.
- A single entity cannot hold more than one license for cultivation, processing, commercialization, exportation or importation of cannabis. In addition, the

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size of psychoactive cannabis arable land is limited to one hectare under open sky and 1,000 square meters in the case of indoor greenhouses.

As we informed in our past flash, if the Congress does not approve the reforms on or before April 30, 2020, the Supreme Court of Justice must issue a general declaration of unconstitutionality of articles 235 (last paragraph), 237, 245 section I, 247 (last paragraph), and 248 of the General Health Law.

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