



## New Law for cannabis uses, approved by the Chamber of Deputies

As we informed in the legal flash 44/2020, last November 19, 2020 the Senate of the Republic sent to the Chamber of Deputies the draft decree which issue the Federal Law for the Regulation of Cannabis and several provisions of the General Health Law and the Federal Criminal Code are amended and added.

Following up on this matter, we inform you that on March 10, 2021, the Plenary of the Chamber of Deputies approved in general the draft of the Federal Law for the Regularization of Cannabis sent by the Commissions of Justice and Health of said Chamber. In this sense, it was ordered

to return to the Chamber of Senators the bill that issues the Federal Law for the Regulation of Cannabis. It should be noted that the legislators made several reservations to various articles, which must be discussed in particular.

From the content approved by the deputies in commissions, the following can be highlighted in relation to the bill originally sent by the Senate:

- The legalization of the recreational use of marijuana is ratified, expressly recognizing the right of those over 18 to consume psychoactive cannabis; as long as it is not

done in front of minors or in spaces called 100% smoke-free.

- The commercialization of marijuana is legalized, after obtaining the corresponding permit.
- The decriminalization of possession for personal consumption of up to 28 grams is ratified.
- The new licensing system to participate in the different activities of production and commercialization of cannabis is ratified.
- The proposal eliminated the possibility to create the Mexican Cannabis Institute as a new authority in charge of supervising

## Tax and Legal Services

Legal Alert 10/2021 | March 16th, 2021

the cannabis supply and consumption chain. Instead, it is proposed to grant the corresponding powers to the National Council against Addictions (CONADIC), the Federal Commission for the Protection against Sanitary Risks (COFERPIS) and the Ministry of Agriculture and Rural Development (SADER) for the regulation of hemp.

- It establishes the possibility of obtaining a permit to possess and cultivate up to 6 cannabis plants at home for self-consumption, which may increase to 8 if there are more than two consumers in the household.
  - Home cultivation for personal use for recreational purposes will require a permit issued by COFEPRIS.
  - Further regulation of the operation of cannabis associations and their members is established.
  - The commercialization of psychoactive cannabis and its derivatives for recreational use will be carried out exclusively within the national territory in authorized establishments.
  - General rules are established for the packaging and labeling of psychoactive cannabis products for sale to end consumers.
  - The production of cannabis for research and technological development purposes must be authorized by COFEPRIS, which must issue the applicable regulations for such activity.
- A transitory article is incorporated which provides for the immediate release of persons who are being prosecuted or have been sentenced for the crimes to be decriminalized, without the elimination of their criminal record.

Likewise, the ruling approved by the commissions of the Chamber of Deputies proposes the following sanctions:

- Possession between 28 grams and up to 5.6 kilograms will be considered an administrative offense.
- Unauthorized commercialization between 200 grams and up to 5.6 kilograms will be sanctioned with 1 to 3 years in prison.
- Whoever produces, transports, traffics, trades or supplies cannabis in quantities greater than 5.6 kilograms will be punished with 5 to 15 years of imprisonment.
- Simple possession in quantities of more than 5.6 kilograms will be punished with a prison sentence of 10 months to 3 years.
- Anyone who, without the corresponding authorization, possesses for commercial purposes quantities of more than 5.6 kilograms will be punished with a prison sentence of 3 to 7 years.

In the following days, each of the reservations made to the bill will be discussed and approved, so we will be informing you in due time about the relevant developments that arise during this process.

## Contacts:

### Valeria Vázquez

Partner

[vavazquez@deloittemx.com](mailto:vavazquez@deloittemx.com)

Tel. 55 5080 6000

### César Cruz

Legal Manager

[cecruz@deloittemx.com](mailto:cecruz@deloittemx.com)

Tel. 55 5080 6000

### María Segura

Senior Lawyer

[masegura@deloittemx.com](mailto:masegura@deloittemx.com)

Tel. 55 5080 6000

### Francisco Hleón

Senior Lawyer

[fhleon@deloittemx.com](mailto:fhleon@deloittemx.com)

Tel. 55 5080 6000

[www.deloitte.com/mx](http://www.deloitte.com/mx)

[www.deloitte.com/mx/legales](http://www.deloitte.com/mx/legales)



## tax@hand App

Download our tax@hand app.  
Available on: [www.taxathand.com](http://www.taxathand.com)

For: IOS and Android



## Contacts:

### Legal Services

**Claudio Marroquín**

[clmarroquin@deloittemx.com](mailto:clmarroquin@deloittemx.com)

**Erika Rodríguez**

[erodriguez@deloittemx.com](mailto:erodriguez@deloittemx.com)

**Germán de la Garza**

[gdelagarza@deloittemx.com](mailto:gdelagarza@deloittemx.com)

**Héctor Cuevas**

[hcuevas@deloittemx.com](mailto:hcuevas@deloittemx.com)

**Luis Lavalle**

[llavalle@deloittemx.com](mailto:llavalle@deloittemx.com)

**Mauricio Oropeza**

[moropeza@deloittemx.com](mailto:moropeza@deloittemx.com)

**Octavio Novaro**

[onovaro@deloittemx.com](mailto:onovaro@deloittemx.com)

**Ramón Bravo**

[rambravo@deloittemx.com](mailto:rambravo@deloittemx.com)

**Valeria Vázquez**

[vavazquez@deloittemx.com](mailto:vavazquez@deloittemx.com)

**Victor Ávila**

[vavila@deloittemx.com](mailto:vavila@deloittemx.com)

[www.deloitte.com/mx](http://www.deloitte.com/mx)

[www.deloitte.com/mx/legales](http://www.deloitte.com/mx/legales)

**Aguascalientes**

Universidad 1001, piso 12-1  
Bosques del Prado  
20127, Aguascalientes, Ags.  
Tel: +52 (449) 910 8600  
Fax: +52 (449) 910 8601

**Cancún**

Avenida Bonampak SM 6, M 1, lote 1,  
piso 10, 77500, Cancún, Q. Roo  
Tel: +52 (998) 872 9230  
Fax: +52 (998) 892 3677

**Chihuahua**

Av. Valle Escondido 5500  
Fracc. Des. El Saucito E-2, piso 1,  
31125, Chihuahua, Chih.  
Tel: +52 (614) 180 1100  
Fax: +52 (614) 180 1110

**Ciudad Juárez**

Baudelio Pelayo No. 8450  
Parque Industrial Antonio J. Bermúdez  
32400, Ciudad Juárez, Chih.  
Tel: +52 (656) 688 6500  
Fax: +52 (656) 688 6536

**Culiacán**

Insurgentes 847 Sur, Local 103  
Colonia Centro Sinaloa  
80128, Culiacán, Sin.  
Tel: +52 (33) 1454 2000

**Guadalajara**

Avenida López Mateos Norte 2405  
piso 29  
Colonia Italia Providencia  
44648, Guadalajara, Jalisco.  
Tel: +52 (33) 3669 0404  
Fax: +52 (33) 3669 0469

**Hermosillo**

Blvd. Eusebio Francisco Kino No. 315  
Piso 8, Suite 804, Colonia Lomas del Pitic  
83010, Hermosillo, Son.  
Tel: +52 (662) 109 1400  
Fax: +52 (662) 109 1414

**León**

Paseo de los Insurgentes 303, piso 1  
Colonia Los Paraísos  
37320, León, Gto.  
Tel: +52 (477) 214 1400  
Fax: +52 (477) 214 1405 y 1407

**Mazatlán**

Avenida Camarón Sábalo 133  
Fracc. Lomas de Mazatlán  
82110, Mazatlán, Sin.  
Tel: +52 (669) 989 2100  
Fax: +52 (669) 989 2120

**Mérida**

Calle 56 B 485 Prol. Montejo Piso 2  
Colonia Itzimna  
97100, Mérida, Yuc.  
Tel: +52 (999) 913 4032  
Fax: +52 (999) 913 4052

**Mexicali**

Calzada Francisco López Montejano 1342  
Piso 7 Torre Sur  
Fracc. Esteban Cantú  
21320, Mexicali, B.C.  
Tel: +52 (686) 905 5200  
Fax: +52 (686) 905 5231 y 5232

**Ciudad de México**

Paseo de la Reforma 505, piso 28  
Colonia Cuauhtémoc  
06500, México, D.F.  
Tel: +52 (55) 5080 6000

**Monclova**

Bld. Ejército Nacional 505  
Colonia Los Pinos  
25720, Monclova, Coah.  
Tel: +52 (866) 190 9550  
Fax: +52 (866) 190 9553

**Monterrey**

Av. Juárez 1102, piso 40  
Centro  
64000, Monterrey, N.L.  
Tel: +52 (81) 8133 7300

**Monterrey - La Rioja**

Carr. Nacional 85, 5000, local S-6  
Colonia La Rioja  
64988, Monterrey, N.L.  
Tel: +52 (81) 8155 5757  
Fax: +52 (81) 8155 5758

**Puebla**

Edificio Deloitte, Vía Atlixcayotl 5506, piso 5  
Zona Angelópolis  
72190, Puebla, Pue.  
Tel: +52 (222) 303 1000  
Fax: +52 (222) 303 1001

**Querétaro**

Avenida Tecnológico 100-901  
Colonia San Ángel  
76030, Querétaro, Qro.  
Tel: +52 (442) 238 2900  
Fax: +52 (442) 238 2975 y 2968

**Reynosa**

Carr. Monterrey-Reynosa 210-B, PA  
Fracc. Portal San Miguel  
88730, Reynosa, Tamps.  
Tel: +52 (899) 921 2460  
Fax: +52 (899) 921 2462

**San Luis Potosí**

Av. Salvador Nava Martínez 3125, 3-A  
Fracc. Colinas del Parque  
78294, San Luis Potosí, S.L.P.  
Tel: +52 (444) 102 5300  
Fax: +52 (444) 102 5301

**Tijuana**

Misión de San Javier 10643, Piso 8  
Zona Urbana Río Tijuana.  
22010, Tijuana B.C.,  
Tel: +52 (664) 622 7878  
Fax: +52 (664) 681 7813

**Torreón**

Independencia 1819-B Oriente  
Colonia San Isidro  
27100, Torreón, Coah.  
Tel: +52 (871) 747 4400  
Fax: +52 (871) 747 4409

# Deloitte.

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee and its network of member firms, each of which is a unique and independent legal entity. Please consult our website at [www.deloitte.com/mx/conozcanos](http://www.deloitte.com/mx/conozcanos) for a detailed description of the legal structure of Deloitte Touche Tohmatsu Limited and its member firms.

Deloitte renders professional services in the areas of audit, taxes and legal services, consulting and advisory, to public and private clients from different industries. With a global network of member firms in over 150 countries, Deloitte offers world-class capacities and high quality service to its clients, providing the experience necessary to deal with the most complex business challenges. The more than 330,000 employees of Deloitte are committed to achieving significant impacts in their communities.

As utilized in this document, "Deloitte" means Galaz, Yamazaki, Ruiz Urquiza, S.C., which has the exclusive legal right to become involved in, and limits its business to, the provision of services of audit, tax consulting, advisory and other professional services in Mexico, under the name "Deloitte".

This publication contains only general information and neither Deloitte Touche Tohmatsu Limited, its member firms, nor any of their respective affiliates (collectively the "Deloitte Network"), render advice or services through this publication. Before taking any decision or measure which may affect your finances or business, you should consult a qualified professional adviser. No entity of the Deloitte Network will assume responsibility for losses suffered by any person or entity that consults this publication.