

Another judicial precedent towards liberalization of cannabis use

On December 1, 2021, the First Chamber of the Supreme Court of Justice of the Nation (SCJN) issued a decision that authorizes a single company to plant, cultivate and harvest hemp, with a concentration equal to or less than 1% of Tetrahydrocannabinol or THC, for the production of products for wide industrial use.

This decision is consistent with the SCJN's position to liberate the different uses of cannabis. However, it seems that hemp may only be planted, cultivated and harvested for industrial use under the monitoring, control and security guidelines issued by the Federal Commission for Protection from Sanitary Risks (COFEPRIS) in the future. Until the full and official text of the decision is known, it will not be possible to evaluate whether the decision is effective immediately or if COFEPRIS could, de facto, undermine its taking effect by failing to issue the guidelines the SCJN refers to.

However, this decision can serve as an additional incentive for the Congress of the Union to finally approve, during the current ordinary session, a new law that comprehensively and effectively regulates the different uses of cannabis, including industrial use. Some years ago, the Congress of the Union undertook the commitment to issue a law that regulates the uses of cannabis which has not materialized due to the lack of consensus among various stakeholders and key sectors.

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S I N C E R E L Y

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