

Mexico to Issue Regulations Governing Medicinal Cannabis Use

August 30, 2019

Although medicinal use of cannabis has been technically “legal” in Mexico since 2017 by amendments to the General Health Law and the Federal Criminal Code, the Ministry of Health and COFEPRIS (Comisión Federal para la Protección contra Riesgos Sanitarios, the Mexican equivalent of the U.S. Food and Drug Administration) have been slow to create and issue regulations to implement the change. As a result, the mother of a 14-year-old boy who needed cannabis treatments for epilepsy filed an “amparo” lawsuit (i.e., constitutional claim) to force the agencies to proceed on an expedited basis. On August 14, 2019, Mexico’s Supreme Court ruled in favor of the boy’s mother and ordered the Ministry of Health to issue regulations to govern the therapeutic use of cannabis and derivatives within 180 working days. The Mexican Senate may also be involved in the development of these regulations in coordination with the Ministry of Health and COFEPRIS, both of which have confirmed that they will comply with the decision. It is expected that the new regulations will address all stages of the supply chain for medical cannabis and derivatives, including sourcing, growth, storage, distribution, advertising, sale, and use of cannabis products. The boy’s experience in this case illustrates issues with cannabis product classification and regulatory hurdles similar to those that have been encountered by consumers, courts, and legislators in the United States, Europe, and elsewhere. In this case, an imported CBD product did not adequately relieve the boy’s symptoms, and a physician-recommended alternative using THC was an option that remains illegal and unavailable due to the lack of regulations governing medical marijuana uses. The court proceedings were attended by other minors who have been experiencing similar issues. National regulations regarding production and supply of marijuana are also under consideration in Mexico, and a Supreme Court ruling was issued last year ordering the government to draft legislation for recreational and medical uses of marijuana. Public comment has been invited, and it is likely that the Supreme Court’s recent order and upcoming regulations by the Ministry of Health will prompt more comprehensive negotiations during the next congressional term, which is scheduled to begin in September.

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