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Cannabis Regulation in Mexico: Navigating the New COFEPRIS Permitting Process Under the Judicial Reform

While Mexico has made strides in cannabis regulation, recent changes by COFEPRIS (Federal Commission for the Protection against Sanitary Risks) have introduced new challenges and opportunities for individuals and businesses seeking to participate in the legal cannabis market. Since the end of October 2024, under the new administration, the authority has issued a new criterion in relation to the granting of authorizations for the use of cannabis for personal use. Among the new modifications are the following criteria:

- Limitations on the production of products: it is not allowed to make products with cannabis such as medicines, cosmetics, food, among others, limiting the way of consumption.
- Annual report: It is mandatory to report on the use of seeds, plants and cultivation address.
- Maximum carrying: 5 grams, even with permission.
- Requirements to obtain seeds.
- Seed purchase limit: Maximum 12 seeds per year for 3 years.
- Seedling ban: The purchase of seedlings, cuttings, or clones is not permitted.
- Limit of floors: 3 plants per consumer, maximum 6 per household.
- Prohibition of advertising: No advertising of any kind is allowed.

Applications for recreational cannabis use authorization are submitted through a formal written request, as there is currently no established administrative process. This often necessitates resorting to legal action, specifically "amparo" proceedings, to obtain a favorable resolution. In these proceedings, the judiciary reviews the case and issues a judgment based on existing legal provisions, ultimately granting or denying the authorization.

Although cannabis regulation in Mexico still presents challenges, the recent modifications to the health authority's criteria represent progress, as it demonstrates a greater participation of COFPERIS in relation to the process. Although these modifications represent a greater challenge for consumers, they will allow better control of the management of the plant, in order to protect the health of consumers aimed at regulating a better quality of products.

Another advantage is that these criteria determine the possibility of going to the National Seed Inspection and Certification Service ("SNICS") to request seed certification, in this case the SNICS must develop the necessary protocols so that consumers can have access to certified seeds, opening the door to the development of seed banks that are necessary to be able to carry out the distribution chain of these products.

It is true that the new modifications represent challenges and restrictions mainly for consumers and for a consumer industry that has not been able to develop in Mexico, because to date we do not have a federal law that allows a legal recreational cannabis market in Mexico, but it is important to note that the authority is showing greater interest

and participation. giving opportunity for legal strategies and legal conversations to walk in favor of the development of the industry and the protection of consumer rights.

At **MLA Legal and Consulting Boutique**, we already have new consolidated legal strategies to debate the restrictions of the new criteria, and obtain broader authorizations, however, currently, this possibility exists thanks to the mechanism of reporting these through the amparo trial.

The judicial reform, so far, has not modified the procedure of the amparo trial, however, it affects it indirectly, since the judges who will rule on the matter will be elected by the citizens. This can represent an opportunity to pay special attention to the proposals and profiles of the candidates.

Although there is still a long way to go, these changes bring us closer to a more transparent regulation that promotes the responsible use of cannabis.

If you are interested in learning more about the legal services we can offer in this regard, do not hesitate to contact us via the following phone number and email:

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