

The Supreme Court of Justice Authorized the Recreational Use of Cannabis

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By the end of 2015, the Mexican Supreme Court of Justice (SCJN) concluded that prohibiting the use of cannabis for “recreational” purposes was unconstitutional. In November 2019, jurisprudence was conformed, which triggered the legislative process to regulate recreational use of cannabis.

The SCJN set a deadline for Congress to issue the corresponding legislation. However, after extending such deadlines a couple of times, the legislators failed to pass a law to regulate the recreational use of cannabis.

In a divided decision of 8 to 3 votes by the plenary of the Supreme Court, the SCJN declared the unconstitutionality of the provisions of the Health Law, which prohibited and sanctioned the production, use, and possession and of cannabis and THC for self-consumption only.

Yet, this decision does not legalize neither regulate the cannabis market. So far, any act of commercialization, planting, cultivation, harvest, possession, supply, or any other activity related to the distribution of cannabis is still sanctioned by the Federal Criminal Code.

In brief, legislative and/or regulatory and eventual litigation steps are still necessary to materialize a complete legalization scheme of cannabis for recreational use.

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