

Mexico: The Supreme Court of Justice Authorized the Industrial Use of Cannabis.

Article By:

Alejandro Luna Fandiño

Gustavo A. Alcocer

Armando Arenas

As a result of the refusal of the Federal Commission for the Protection against Sanitary Risks (Cofepris) to grant authorization to a company who requested authorization for sowing, farming and harvesting of cannabis (in its variant hemp) for the elaboration of products with concentrations equal to or less than 1% of tetrahydrocannabinol (THC); an appeal was filed and eventually was taken up by the Mexican Supreme Court in 2020.

Thus, on December 1st, the Justices of the First Chamber of the Supreme Court of Justice, decided in favour of such company by declaring the unconstitutionality of the provisions of the Health Law and the Criminal Code, which prohibit and sanction the sowing, farming, and harvest of cannabis, in its variant hemp, for purposes other than medical and scientific (industrial use).

In brief, the Supreme Court concluded that the prohibitions constitute an unnecessary measure, which causes a disproportionate impact on the freedom of trade, since there are alternatives equally suitable to safeguard health and public order.

The Supreme Court ordered COFEPRIS to issue the corresponding permit to the applicant company, as long as they guarantee that the cannabis obtained through such activities (sowing, farming, and harvest) contains concentrations equal to or less than 1% of THC and that such production is conducted under the corresponding conditions of monitoring, control and security appointed by the competent authority, aiming to protect health and public order.

It is worth mentioning that this decision does not legalize neither regulate the cannabis market. Moreover, the effects of this decision will only apply to the plaintiff.

© 2005-2025 OLIVARES Y COMPAÑIA S.C.

Source URL: <https://natlawreview.com/article/mexico-supreme-court-justice-authorized-industrial-use-cannabis>