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Mexico Launches Series of Hearings on Marijuana Legalization

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The Congress is considering changes to Mexico’s drug laws that could further ease restrictions on the use of marijuana. In recent years, Mexico has taken steps to reduce penalties on marijuana, such as decriminalizing possession of a small amount of pot (SourceMex, Aug. 26, 2009, and Sept. 4, 2013). In a landmark decision in 2015, panel of Mexico’s high court (Suprema Corte de Justicia de la Nación, SCJN) upheld the rights of four individuals and their organization, the Sociedad Mexicana de Autoconsumo Responsable y Tolerante (SMART), to consume and transport marijuana for personal use (SourceMex, Nov. 11, 2015).

These steps, while eliminating restrictive measures governing the use of marijuana, fall short of reforms enacted in other countries in the region (NotiSur, Feb. 1, 2013). Some countries, like Colombia and Chile, allow limited cultivation, and limited consumption is legal in Colombia. Other countries—Bolivia, Belize, Chile, Costa Rica, Ecuador, Paraguay, and Peru—have decriminalized possession of small amounts of pot. Jamaica was the first country in the Caribbean to decriminalize possession of marijuana in February 2015 (NotiCen, Dec. 4, 2014).

The debate in Mexico centers on whether to ease penalties on marijuana further, a topic that will be the subject of a series of hearings conducted by Enrique Peña Nieto’s administration and Congress. One was held at the end of January; four other will take place through April, ahead of the Special Session of the UN General Assembly on the World Drug Problem (UNGASS), scheduled for April 19-21 in New York City.

Consensus for change

At the first session of the Debate Nacional sobre el Uso de la Mariguana, held in Cancún on Jan. 26, Interior Secretary Miguel Ángel Osorio Chong and key members of Congress all spoke of the need to enact changes.

“We have the challenge of proposing an alternative to the problem of the illegal market for marijuana and its negative consequences. Or remain as we are, running the risk of compromising the health, security and dignity of people,” said Deputy Jesús Zambrano Grijalva, a member the center-left Partido de la Revolución Democrática (PRD).

Zambrano, who is president of the Chamber of Deputies, said law enforcement authorities around the world, including Mexico, have generally used punishment as the key element of their anti-drug policies. This approach has resulted in “unusual consequences,” such as the appearance of new drugs, the growth of organized crime groups and human rights violations among other negative effects, Zambrano said.

According to Zambrano, there is consensus among all parties in Congress to ease restrictions on marijuana, and the next step is for legislators to define a national position on legalization of
cannabis, particularly in the wake of the SCJN’s 2015 decision to allow four citizens to use marijuana for recreational purposes.

Another consequence of the punitive laws, said Sen. Roberto Gil Zuarth of the center-right Partido Acción Nacional (PAN), is the overcrowding of prisons in Mexico, where many people are serving sentences for simple possession. “We have to make a decision on what to do with the thousands of people who are spending time in jail only because they were charged with consuming marijuana,” Gil said.

“We can’t continue like this with the status quo, we have to use our imagination and take political responsibility to make the best decisions for Mexico,” added Gil, who is serving as president of the Senate.

“The SCJN’s [2015] decision carries a series of implications and potential effects that create an urgency for us to enact legal reforms, the focus of which should be on further decriminalization and on protection of individual rights while considering the enormous challenges to public health,” PAN Sen. Laura Rojas wrote in a guest column in the daily newspaper Excélsior.

Rojas noted that Congress would have to deal with changes related to the planting, cultivation, processing, and transportation of marijuana. “If we are able to reach a consensus on decriminalizing the consumption of cannabis, we also have to act in a timely basis to create a regulatory framework,” she said.

**Support for medical marijuana**

Osorio Chong, for his part, also pointed to the need to consider changes to Mexican laws governing marijuana. He noted, however, that the administration had agreed to hold the five hearings even though President Enrique Peña Nieto, a member of the Partido Revolucionario Institucional (PRI), personally opposes legalization.

“There seems to be a majority opinion, even at the international level, on the therapeutic benefits [of marijuana],” Osorio Chong said at the hearing in Cancún.

“Furthermore, this administration is always open to analyzing ... alternatives that contribute to improving the quality of life for our population,” he added, hinting that the government was open to easing restrictions for medicinal uses of marijuana.

The pharmaceutical industry is also preparing for the possibility that the use of medical marijuana might be approved soon in Mexico. According to the Asociación Nacional de Farmacias de México (ANAFARMEX), authorities must enact a set of guidelines regulating the orderly sale of medical marijuana. “If the legalization of medical marijuana moves forward, this product could become one of the top selling items in pharmacies around the country,” said ANAFARMEX president Antonio Pascual Feria.

According to Pascual Feria, the pharmaceutical organization’s conclusions are based on an analysis that experts at ANAFARMEX put together with data provided by the Secretaría de Salud.

Pascual Feria said the ANAFARMEX fully supports the legalization of cannabis for medicinal purposes, but opposes decriminalizing marijuana for recreational uses.
Some observers applaud the government’s willingness to discuss changes to Mexico’s marijuana laws, pointing out that the debate is long overdue. “Both the PRI and PAN presidential administrations repeatedly refused to debate decriminalization of cannabis, and instead opted for repression,” columnist Humberto Musacchio wrote in Excélsior. “Citizens were prohibited from deciding whether to consume the drug. This decision was made on the premise that they needed to be protected.”

According to Musacchio, a related result of the policy was the violence that accompanied the war on drugs. “We can attribute more than 100,000 deaths and 20,000 to 25,000 disappearances to the policies of [former President] Felipe Calderón Hinojosa,” wrote the Excélsior columnist, alluding to the former president’s infamous drug-interdiction campaign (SourceMex, Jan. 24, 2007). “However, these are only the statistics that are known. The figures from the administrations of Ernesto Zedillo, Vicente Fox and [Enrique Peña Nieto] are guarded zealously. Surely, the figures are alarming. This is the price that society has paid for prohibition.”