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Mexico's Chamber of Deputies Approves Initiative to Legalize Medical Marijuana

by Carlos Navarro

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The Mexican Chamber of Deputies overwhelmingly approved on April 28 an initiative to legalize the use of marijuana for medical purposes and for research activities. The vote in the lower house follows approval of a similar measure in the Senate in December 2016. The vote, which modified a law known as the Ley General de Salud (General Law on Health), represents a victory for President Enrique Peña Nieto, who made a formal proposal to ease restrictions on marijuana use a year ago ([SourceMex, April 27, 2016](#)).

"The ruling eliminates the prohibition and criminalization of acts related to the medicinal use of marijuana and its scientific research, and those relating to the production and distribution of the plant for these purposes," the Chamber of Deputies said.

In a guest column published in the daily newspaper El Sol de Laguna, Deputy Alma Carolina Viggiano Austria wrote, "This is a historic reform that will allow people who suffer serious health conditions like epilepsy to gain access to alternative treatments ... This reform was already approved by the Senate, and it was our turn in the Chamber of Deputies to do the right thing."

The legislation removes penalties for the cultivation, harvest, marketing, and transportation of marijuana, as long as the product is grown for medical and scientific activities. The initiative also stipulates that products that contain 1% or less of derivatives made from marijuana (*cannabis sativa*) and which have "ample industrial uses" can be sold on the market, exported, or imported, as long as sanitary requirements are met.

Two court rulings paved the way for Peña Nieto to move to eliminate restrictions on the use of marijuana for medical purposes. In the first decision, handed down in August 2015, Federal District Court Judge Martín Santos Pérez granted the parents of an 8-year-old girl permission to import a marijuana-based medication to treat her epilepsy. As a result of Judge Santos' ruling, the government implemented a policy of allowing importation of medicine containing cannabidiol (CBD), an active ingredient in marijuana, on a case-by-case basis.

The second court ruling, from the Primera Sala of Mexico's highest court, upheld the rights of four individuals and their organization, the Sociedad Mexicana de Autoconsumo Responsable y Tolerable (Mexican Society for Responsible and Tolerable Consumption, SMART), to consume and transport marijuana for personal use ([SourceMex, Nov. 11, 2015](#)).

However, the first step toward easing restrictions on marijuana came in 2009, when Congress approved legislation that decriminalized possession of small amounts of marijuana and other drugs ([SourceMex, Aug. 26, 2009](#)).

Health ministry charged with regulation

The measure, approved with the support of all political parties represented in the lower house, directs the Health Ministry (Secretaría de Salud) to design policies to regulate the use of

pharmaceutical products developed with marijuana, including Tetrahydrocannabinol (THC) and its compounds. The ministry will also be charged with research and production of marijuana-based medications in Mexico.

According to the US National Library of Medicine, THC is a substance that can be extracted from marijuana, or synthesized, to produce dronabinol. This medication, which is approved by the US Food and Drug Administration (FDA), is often used to treat or prevent the effects associated with cancer treatment, including nausea and vomiting. Dronabinol is also used to help stimulate the appetite of patients suffering from AIDS.

“It is important to point out that the fundamental purpose of the reform is to modify the legal framework, which has focused on sanctions against individuals,” said Viggiano, a member of the governing Partido Revolucionario Institucional (PRI).

“This is not by any means a measure that would put the health of people at risk,” she added. “On the contrary, the purpose of the initiative is to create easier access for products that help improve the quality of life for people whose health conditions require this type of medication.”

Detractors offer objections

Some detractors took issue with the efforts by all three branches of government to ease restrictions on marijuana. The critics included the tobacco treatment center Clínica del Tabaco and a coalition known as Sin Mota Somos Más (Without Pot We Are More). The coalition came together in December 2015 to inform and issue warnings about the dangers of legalizing the consumption of marijuana.

The detractors pointed out that—despite scientific evidence about the potential harm of marijuana to individuals—the Chamber of Deputies approved the legislation just before completing the legislative session on April 30. As a result, there was no time for in-depth discussion on the matter. “Their style of legislating in Mexico leaves much to be desired,” the coalition said in a statement.

Sin Mota Somos Más also criticized a provision in the new Mexico City Constitution that spells out the right of citizens of the capital to access to medical marijuana. That document, which was completed in January of this year, will go into effect in September 2018 ([SourceMex, Feb. 8, 2017](#)). It stipulates that the right to access medical marijuana is contingent on the approval of federal legislation to that effect.

When the Sin Mota Somos Más coalition was formed in December 2015, Eduardo Hernández of Clínica del Tabaco warned especially about the impact that the opening would have on youth. He pointed to scientific evidence that consumption of marijuana affects the neuronal functions of individuals, especially those between the ages of 12 to 17, resulting in addiction and dependence.

At the time, Hernández cited a series of studies that suggested that smoking one marijuana joint was the equivalent of smoking seven tobacco cigarettes.

The detractors also warned that the health effects of marijuana consumption would be similar to those of tobacco. There won't be deaths from overdoses, as is the case with other types of drugs, they said. However, many consumers will suffer lung disease and other health problems. “These chronic illnesses associated with addiction to these plants will have an impact of the population,” said Clínica del Tabaco.

A different type of objections came from those who suggested that Congress had missed the chance to enact much broader reform. "For three years, we have talked about this issue," columnist Jaime Barrera Rodríguez wrote in the daily newspaper Milenio, pointing to an initiative introduced in the Jalisco legislature to eliminate the prohibition on consumption of marijuana and replace it with effective regulation and prevention programs.

Barrera Rodríguez said the full legalization of marijuana would go a long way to addressing Mexico's problems with criminal organizations.

"Even though this is not the panacea to end drug trafficking and violence generated by the capos [drug lords], the decriminalization of marijuana would help combat the violence linked to the mafias," he wrote. "For years, the prohibition has netted enormous earnings to these organizations."
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