

Extension of the deadline for approval of the Regulation of Cannabis.

(12/12/2020)

1. In a private session celebrated on December the 10th of 2020, the Plenum of the Supreme Court of Justice of the Nation (“SCJN”) in a complete agreement approved to extend the deadline given to the Congress of the Union on October 29 of 2019, towards the deadline, previously established on Article 107 subsection II, third paragraph of the Mexican Constitution regarding the General *Declaratory of Unconstitutionality 01/2018*. By virtue of the office SGA/MFEN/748/2020, the Congress of the Union is granted the extension of the deadline so that the Chamber of Deputies “has the necessary *time to exercise its powers*”.
2. The time limit will expire on April 30 of 2021, the last day of the ordinary session period of the Congress of the Union.
3. The reason given by SCJN is misleading because the Congress of the Union has had three ordinary periods of session to approve the law that could regulate cannabis nationwide. The lack of legislative skills and commitment to the regulation, also the absolute absence of seriousness in the day-to-day work of the Congress, has produced the outcome of why today, they have not fulfilled the obligations contained in the General Declaration of Unconstitutionality issued by the highest court.
4. Assuming that, since November 19 (date when the Senate approve the Bill) Deputies didn’t have the intention to deeply get into a broad study of the proposed legislation, neither to consider this bill as a priority because they knew the SCJN would have their back extending, once again, the deadline, justifying themselves in the situation arising from the health emergency caused by Coronavirus (COVID-19) disease, which, while this situation needs a prevailing need to address, the SCJN’s General Declaration of Unconstitutionality, in this particular issue was not pronounced a couple of months ago, nor in the current year.
5. While it is understandable that time is needed to achieve correct and satisfactory regulation, the timeless argument only demonstrates the simulation dynamics that govern public life and, which shows that Mexican degradation began and perpetrated within its institutions, from the SCJN plenary and through both Chambers of the Union Congress, the legal premise has been run over that rights have only reason to be, become relevant and their value is closely linked to the exercise of rights, when they are exercised without unjustified controls or delays caused by the State bodies themselves.
6. The institutional message is so clear and assiduous that it is not surprising because it is a demonstration that in Mexico there are no consequences to non-compliance and lack of solemnity for the fulfillment of orders in our institutions, because there has been no firm position to comply with what is required, thus producing absolute impunity, showing, in the same way; serious misconduct of the alleged rule of law,

since the extension not only results in serious and systematic violations of rights, but shows disdain for the legal framework that governs us, the lack of respect for legality on the part of the public authorities overlap.

7. Currently the significance of the General Declaration of Unconstitutionality 01/2018 is moderate, therefore, there is no adequate legal framework for the exercise of rights. Like ever, it intentionally perished the response of the powers that make up the Mexican State not to "walk" the legal scaffolding for the benefit of growers, people deprived of their freedom by firm judgment (or not) and both recreational and medicinal users of the plant that, its psychotropic nature has generated various extensions to the deadline and so many "discussions" in public institutions. Hence, is desirable that in the coming months the regulation of cannabis in Mexico should be concreted to ensure respect for the rights of all.

We hope that the information contained herein will be of use to you. As always, we put ourselves at your service to discuss any of the points discussed here and clarify any doubts about it.

Thank you for reading to us and for your interest in such a fascinating industry.

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