

Letter to the Editor

Marijuana in Mexico, recreational drug or medicine? ☆



Marihuana en México, ¿droga recreativa o medicina?

Dear Editor,

I would like to thank you in advance for the time you give to reading this manuscript, which has come about after reading the letter written to you by our counterpart regarding the illegal status of marijuana in Mexico, including for use as a medical treatment.¹

The topic that we are discussing has a relevance which affects all fields of current society, due to the fact that it includes social, political, economic and health factors; however, it is worth noting the laughable situation which occurs in relation to the use of marijuana in Mexico, given that Articles 477 and 479 of the General Health Law determine its possible possession and personal use up to the amount of 5 g of the narcotic drug.^{2,3} In other words, the use for medical purposes is still criminalised and even frowned upon within the practice, while the recreational purpose on the possession and use both of marijuana and any tetrahydrocannabinol (THC) derivative are contemplated explicitly within the law. This was exemplified clearly on 24 November 2015, the date on which, despite the existing law, the plenary session of Mexico's Supreme Court of Justice granted four people the right to the "...production, use and personal consumption of the narcotic drug cannabis and the psychotropic drug 'THC' for 'recreational' purposes"; when comparing this to the current cases which have obtained the relevant authorisation of the government for medical use, there are a lot fewer.^{4,5} Although on 19 June 2017 the medicinal use of marijuana in products with a net content of THC < 1% was approved, Cofepris (Comisión Federal para la Protección contra Riesgos Sanitarios, [Federal Commission for Protection against Sanitary Risk]) published the regulations with regard to health control of cannabis and its derivatives up to the end of 2018; this fact was placed at

the mercy of the obtainment of a licence for the importation of psychoactive-based drugs from abroad in accordance with what is written in Article 290.⁶ Likewise, it is highlighted that the licences can only be granted after the ordinance of a judge, a situation which as yet continues to be difficult, after receiving approximately 534 requests, only nine had been authorised by 5 September 2018; this is according to the Mexican government's website itself.⁷

With the exception of special cases, marijuana maintains an illegal status in Mexico today in all aspects, and this same label is conveyed upon any person who decides to get involved with it. All of this is in accordance with the Health Law within paragraphs 235, 237, 245, 247 and 248.^{3,5} Meanwhile, the situation is debated even more because Article 245 specifically considers THC as a psychotropic substance within group I (highest risk group) of medicines with limited or zero therapeutic value and that, as they are susceptible for misuse or abuse, they are a particularly serious issue for public health.⁸

As a final comment, there is a clear inconsistency between the facts raised within the status of the Mexican government, which only leads to the limited scope of THC-based treatment. Similarly, there is a certain incoherence in allowing an administrative professional who has studied law or political science to be the person who determines who deserves the treatment and who does not.

REFERENCES

1. Sandoval-Gutiérrez JL. Legalización para uso médico de la marihuana en México. Expediente abierto. *Rev Colomb Psiquiatr.* 2018;47:137.

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2. Decreto por el que se reforman, adicionan y derogan diversas disposiciones de la Ley General de Salud, del Código Penal Federal y del Código Federal de Procedimientos Penales. México, D.F., a 30 de abril de 2009. Disponible en: http://dof.gob.mx/nota_detalle_popup.php?codigo=5106093. Consultado 20 Feb 2019.
3. Atilano-Rodríguez IP. Reconfiguración de la ciudadanía en el estado de México: estudio de los procesos políticos y sociales relativos al consumo recreativo de la marihuana (Tesis). Toluca, México: Universidad Autónoma del Estado de México, Facultad de Ciencias Políticas y Administración Pública; 2017.
4. Suprema Corte de Justicia de la Nación. Amparo en revisión 1115/2017. México, D.F., 24 de noviembre de 2015. Disponible en: https://www.scjn.gob.mx/sites/default/files/listas/documento_dos/2018-03/AR-1115-17-180316.pdf. Consultado 21 Feb 2019.
5. Universidad Nacional Autónoma de México. Marihuana caso México. IJ UNAM; 2016. Disponible en: <http://www2.juridicas.unam.mx/marihuana-caso-mexico/>. Consultado 21 Feb 2019.
6. Coordinación General Jurídica y Consultiva, Subdirección Ejecutiva de Legislación y Consulta. Reforma legal para el uso de Cannabis o marihuana con fines médicos y de investigación científica. Revista Cofepri, protección y salud, 22 de agosto 2017. Disponible en: <http://revistacofepri.salud.gob.mx/n/no10/sabiasqnac.html>. Consultado 21 Feb 2019.
7. Comisión Federal para la Protección contra Riesgos Sanitarios. Reitera política de “puertas abiertas” para recibir y orientar a todas las personas y organizaciones interesadas en el uso medicinal, personal y lúdico de la Cannabis. 5 de septiembre de 2018. Disponible en: <https://www.gob.mx/cofepri/articulos/cofepri-atende-en-el-marco-de-sus-atribuciones-legales-las-solicitudes-para-uso-medicinal-personal-y-ludico-de-la-cannabis-173520?idiom=es>. Consultado 21 Feb 2019.
8. Congreso de los Estados Unidos Mexicanos. Ley General de Salud. Diario Oficial de la Federación el 7 de febrero de 1984, última reforma vigente DOF 20-08-2009. Disponible en: <https://mexico.justia.com/federales/leyes/ley-general-de-salud/gdoc/>. Consultado 21 Feb 2019.

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