

# Brazil Supreme Court Decriminalizes Cannabis Following 9-Year Debate

Brazil, a nation grappling with a staggering prison population, is on the brink of a potentially transformative move: decriminalizing cannabis. However, this move has sparked tension between the judiciary and legislative branches.

## Supreme Court's Historic Decision

On June 25, Brazil's Supreme Court justices voted in favor of allowing citizens to possess "personal" amounts of cannabis for consumption, following deliberations dating back to 2015, as reported by Reuters. Justice Dias Toffoli emphasized, "The position is clear that no user of any drug can be considered a criminal."

## Joining Neighbors in Reform

If Brazil proceeds with decriminalization, it will align itself with the majority of its Latin American neighbors, marking a significant shift in drug policy across the region, multiple sources noted.

## Defining Personal Possession

A critical aspect awaiting resolution is the determination of the possession limit for decriminalized cannabis. This decision is pivotal in distinguishing personal use from drug trafficking and is anticipated as early as June 26, according to The Associated Press.

## Prisons and Drug Offenses in Brazil

Brazil faces stark realities regarding its prison system. With a population exceeding 215 million, it boasts the world's third-largest prison population at approximately 840,000, trailing only the United States and China, according to the World Prison Brief. Drug trafficking accounts for about 28% of all incarcerations, highlighting the severity of drug-related legal issues.

## Current Legal Landscape

Under a 2006 law, Brazilian courts are instructed to consider various factors in determining whether cannabis possession is intended for personal use. However, this legislation lacks clear possession limits, leading to inconsistent enforcement practices.

## Socioeconomic Disparities in Enforcement

A survey by the Brazilian Jurimetrics Association revealed disparities in cannabis-related criminalization based on education levels in São Paulo. Individuals with post-graduate degrees face criminal charges only if possessing more than 49 grams, while an illiterate person could be deemed a drug dealer for possessing as little as 32 grams.

### **Legislative Challenges**

Despite the Supreme Court's majority decision, Brazil's Congress remains a potential obstacle. A constitutional amendment, already passed by the Senate, seeks to criminalize possession of any amount of illicit substances. This amendment is advancing through the lower house, with Senate President Rodrigo Pacheco criticizing the Supreme Court's intervention as an overreach.

### **Judicial Review Ahead**

Should Congress pass the amendment, the Supreme Court retains the authority to declare it unconstitutional. This sets the stage for a potential legal showdown, reflecting broader tensions between branches of government on drug policy reform in Brazil.

In conclusion, Brazil stands at a pivotal juncture in its approach to cannabis legislation, navigating complex legal and societal dynamics amid efforts to reform its drug laws and alleviate pressures on its prison system. The outcome of this debate will not only shape Brazil's future drug policies but also influence regional perspectives on cannabis legalization and criminal justice reform.

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