



the dtic

Department:
Trade, Industry and Competition
REPUBLIC OF SOUTH AFRICA

THE NATIONAL ASSEMBLY

QUESTION FOR WRITTEN REPLY

QUESTION NO. 2421

Mr R W T Chance (DA) to ask the Minister of Trade, Industry and Competition:

- (1) What initiatives has his department undertaken to support the growth of a commercial cannabis and hemp industry, given the continued listing of cannabis in the Drugs and Drug Trafficking Act, Act 140 of 1992;
- (2) whether his department view the current legislative framework which prevents the sale of cannabis as conflicting with the objectives set out in the National Cannabis Master Plan; if not, what is the position in this regard; if so, what discussions or collaborations has his department pursued with the Department of Justice and Constitutional Development to accelerate the legislative changes needed to facilitate commercial cannabis and hemp cultivation and trade;
- (3) by what date does his department anticipate the legal framework will be updated to permit lawful commercial cultivation, processing and trade of cannabis for non-private purposes;
- (4) what temporary measures, exemptions or moratoriums can his department propose or implement to protect cannabis growers and traders acting in good faith from arrest and prosecution amid the evolving legislative landscape;
- (5) whether his department is exploring the creation of Cannabis Inclusion Zones to safeguard the Republic's indigenous and landrace cannabis strains from genetic contamination by imported or industrial hemp varieties; if not, what is the position in this regard; if so, what action(s) will his department take to foster an inclusive and accessible cannabis industry, particularly through proposing flexible, scalable licensing, permitting and/or exemption frameworks that enable small-scale and traditional growers to participate in the market without exclusion? NW2792E

REPLY:

- (1) It is the intention of **the dtic** to address this aspect as soon as cannabis has effectively been removed from the Drugs and Drug Trafficking Act. This is still awaiting finalisation of the Cannabis for Private Purposes Act (CfPPA) Regulations by the Department of Justice and Constitutional Development. As it stands, the trade in cannabis is still outlawed. Based on the current regulatory environment, **the dtic** will provide, where applicable, support for the manufacturing of products containing Cannabis/Hemp within its existing suite of incentives. In respect of the applications for manufacturing products containing Cannabis for medicinal use, **the dtic** has developed a checklist that applicants will have to comply with for the Department to evaluate their applications. **the dtic** will only adjudicate applications that comply with the checklist which has been published on the Department's website. The SABS, has already published two standards on Hemp and Cannabis for public comments.
- (2) The draft National Cannabis Master Plan serves as the basis for the development of a policy and legislation to regulate cannabis for commercial purposes. **the dtic** has started its internal processes to develop the policy mentioned above, and preliminary consultations have taken place with few stakeholders. Broader consultations will begin once the policy is approved. The commercialisation of cannabis products for human consumption must occur in an environment that protects the health of South Africans. So, there is no contradiction between the current legislative framework and the National Cannabis Master Plan.

The finalisation of the Cannabis for Private Purposes Act (CfPPA) Regulations by the Department of Justice and Constitutional Development remains critical to pave way for review of legislations administered by other departments such as Department of Agriculture; and the Department of Health, to allow full scale cultivation and commercialisation of cannabis.

- (3) It may be challenging to predict exactly when the framework will be established and to commit to a specific timeline due to the complexities associated with the policy and legislative development. The Department of Trade, Industry and Competition

(the dtic) expects to finalise the commercialisation policy and legislation by the end of the 2026/2027 financial year. Work in this area is currently in progress.

- (4) The following are the temporary measures, exemptions, or moratoriums in place to protect cannabis growers and traders against arrest and prosecution amid evolving legislative landscape:
- Decriminalisation of private use, possession, and cultivation of cannabis by adults, as established in terms of the Minister of Justice and Constitutional Development v Prince 2018 (6) SA 393 (CC), since 18 September 2018.
 - Legalisation under the Cannabis for Private Purposes Act, 2024 (Act No. 7 of 2024), which was signed into law on 28 May 2024, and published in the Government Gazette on 3 June 2024.
 - A moratorium on arrests for cannabis-related matters has been in effect since 23 August 2023, following a directive issued by the National Commissioner of the South African Police Service (SAPS) entitled, "Arrests by the South African Police Service for Cannabis-Related Matters."
 - The Department of Agriculture also issues exemptions guided by the Plant Improvement Act, 1976 (Act No. 53 of 1976), which regulates only hemp.
- (5) The Department of Agriculture is working on a framework on zoning to support the traditional cannabis growing areas which will safeguard and preserve the local landraces cannabis strains. In addition, seeds of two (2) Hemp varieties have already been registered under the Plant Improvement Act, 1976 and Plant Breeders' Rights Act, 1976 (Act No. 15 of 1976), to promote the availability of local quality seed material for propagation in the country (viz. ARC-CAN-01 and ARC-CAN-03) rather than relying solely on imported genetics. Multiplication programme of the two (2) varieties and evaluation of more varieties commenced in 2024 and is currently underway through partnership between the Department of Agriculture and ARC.

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