

Dear South Africa is a network of online platforms designed to facilitate government and encourage the public to participate in unbiased decision-making processes or policy formation at SOE, municipal, provincial and national levels.



## Cannabis for Private Purposes Bill [B19 – 2020] 7 August 2020 – 30 November 2020

(As introduced in the National Assembly (proposed section 75); explanatory summary of Bill and prior notice of its introduction published in Government Gazette No. 43595 of 7 August 2020).

### The purpose of the Cannabis for Private Purposes Bill [B19 – 2020] is to:

- Respect the right to privacy of an adult person to possess cannabis plant cultivation material; to cultivate a prescribed quantity of cannabis plants; possess a prescribed quantity of cannabis; and to smoke and consume cannabis;
- Regulate the possessions of cannabis plant cultivation material; the cultivation of cannabis plants; the possession of cannabis and the smoking and consumption of cannabis by an adult person;
- Protect adults and children against the harm of cannabis;
- Provide for expungement of criminal records of persons convicted of possession of use of cannabis;
- Delete and amend provisions of certain laws; and
- Provide for matters connected therewith.

### Legal Limits for personal, legal use at home are set to:

- Unlimited for seeds and seedlings
- Four flowering plants for those living alone, or eight for homes with two adults or more
- 600 grams of dried cannabis if you live alone, or 1.2 kilograms in homes with two or more adults.
- In public places, possession is set to 100 grams of cannabis or one flowering plant.

### For purposes of exchange between individuals (no remuneration involved) limits are set to:

- 30 seeds or seedlings, or a mixture of the two
- One flowering plant
- 100 grams of dry cannabis



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- \* Cannabis is defined as anything containing the psychoactive THC (including vaping of cannabis-derived liquids).
  - \* A maximum jail term of 15 years for anyone who deals in cannabis, or provides it to a child.
  - \* Anyone who smokes cannabis in public, or too close to a window, or "in the immediate presence of any non-consenting adult person" may be jailed for up to two years.
  - \* Smoking around children can result in up to four years in jail.

The above notice of intention for the Cannabis Private Purposes Bill was released on 07 August 2020 where the initial closing date was set to 9 October 2020. The closing date was then extended to 30 November 2020.

**Written submissions and enquiries were directed to Mr V Ramaano at [cannabisbill@parliament.gov.za](mailto:cannabisbill@parliament.gov.za).**

Dear South Africa (DearSA) hosted a participation project through Dear South Africa's mobile and online platform to facilitate, educate and encourage public participation and comment to shape this amendment.

<https://dearsouthafrica.co.za/cannabis/>

**Included on the web page was:**

- 1 - the published Amendments and related documents as downloadable PDFs
- 2 - published notice of the Cannabis Private Purposes Bill and a Parliament Presentation
- 3 - a live view of public comments (with a counter and breakdown reflecting number of participants)
- 4 - video summaries
- 5 - links to relevant media articles
- 6 - a portal which posed one question (with the option of three responses per question)
- 7 - a comment facility to provide input on the Amendment.

Each public entry was individually delivered to [cannabisbill@parliament.gov.za](mailto:cannabisbill@parliament.gov.za). DearSA also captured all public entries which have been used to produce this report.

**Note:** In order to accurately reflect public comment, DearSA's projects are unbiased and hold no partisan opinion or agenda. Raw captured data is attached as an Excel file.

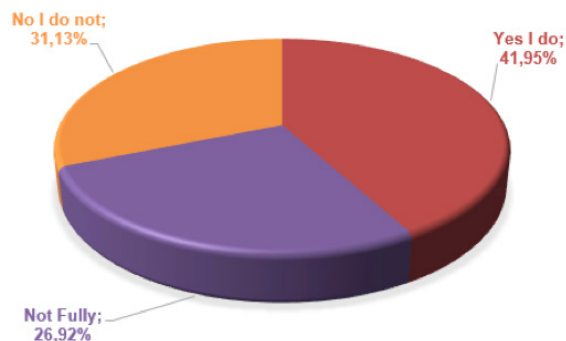
A total of **8,442** comments were received by the set closing of 30 November 2020 (included in the Excel file). This report reflects the entries received by the closing date.



Question presented;

1. Do you support the Cannabis for Private Purpose's Bill?

Yes, I do	[3,541 selected]	41.95%
No, I do not	[2,628 selected]	31.13%
Not fully	[2,273 selected]	26.92%



## Comments

The participants are encouraged to provide comment to justify their selection in order to help shape the policy amendment.

**Of the “Yes, I do” comments**, the public support this Bill to further expand and learn about the medicinal opportunities from cannabis. It was also highlighted that there may be reduction crime and gang interactions as citizens will no longer be required to purchase cannabis off the street illegally. Economic stimulation was also identified from cannabis related products that could possibly be released into the market to assist with health-related matters.

### The top concerns identified in this category are;

#### Harsh Jail Sentencing

- “I believe the jail term for someone selling cannabis products is a bit extreme at 15 years. There are murderers and rapists in this country who do not serve a sentence nearly as long; as such I believe the sentence for selling these products should drastically be shortened, as the ‘products’ regardless of type or nature are legal for private use.”

#### Low prescribed quantities in relation to seedlings, flowering plants, and dried cannabis.

- “Must increase the maximum allowed plant count, 4 plants is not a lot.”
- “Agree, but quantities for personal use should increase even more, and penalties should reduce even more”



**Of the “Not Fully” comments**, there are a variety of responses from the participants where they have opposed certain portions of content in the Bill. Some of the views state that the quantities relating to the possession of cannabis and the number of flowering plants should be lifted. Whereas some other participants indicated that only cannabis plants with a low THC count should be used and strictly for its medicinal properties. Others indicated that the penalty sentencing was harsh and should be drastically reduced. South Africa's prisons are already full of more serious convicted criminals and that this would not be viable to align such a heavy jail sentence to any of the offences relating to the growing and possession of cannabis.

**The top concerns identified in this category are;**

**- Harsh Jail Sentencing**

- “The penalties are too harsh. Life sentence in SA is 15 years.”
- “I agree that children have to be protected but the jail terms are excessive”

**- Low prescribed quantities in relation to seedlings, flowering plants, and dried cannabis.**

- “During flowering a cannabis plant may either be male or female, thus planting 4 seeds may yield only male plants, which produces no flower and by the time you realize that, the planting season will have passed, and one would have nothing to harvest.”
- “There should be no restrictions. It's a plant that is indigenous to our land.”

**- The use of a cannabis plant with higher THC levels**

- “I do not support the use of cannabis for “recreational” purposes, only where the addictive element has been removed and is used medicinally.”
- “I do not agree with private use, but agree that it can be used for medicine”

**Suggestions from the Not Fully comments, include:**

1. There should be more leniency on the quantities that have been set out in the published notice.
2. Increase the plant count but the possession quantity of 600grams is sufficient.
3. Reduce the sentencing periods.

**Of the “No I do not” comments**, the public opposed the legalisation of cannabis as it can be utilised to alter a person's state of mind leaving them incapacitated. The use of cannabis can also lead to addiction. The drug market in South Africa has been a growing problem for years and it is very possible for a person to start with cannabis who then progresses to using more serious drugs, where it can ultimately threaten their life. Some of the other comments have also mentioned that they “do not agree” with the quantities proposed, the jail sentencing, and the taxes associated to the cannabis plant material.

**The top concerns identified in this category are;**

**- Drug Addiction and Substance Abuse**

- “The effect of “dagga” on our children has increased since gaining legal status. As an educator it is very clear that we are leaving our youth in the clutches of an evil drug that destroys their future”
- “Cannabis is a dangerous drug and leads to other drug usage. Combined with alcohol, the effects are far greater. Legalising it will increase exposure and risk to the law-abiding community.”

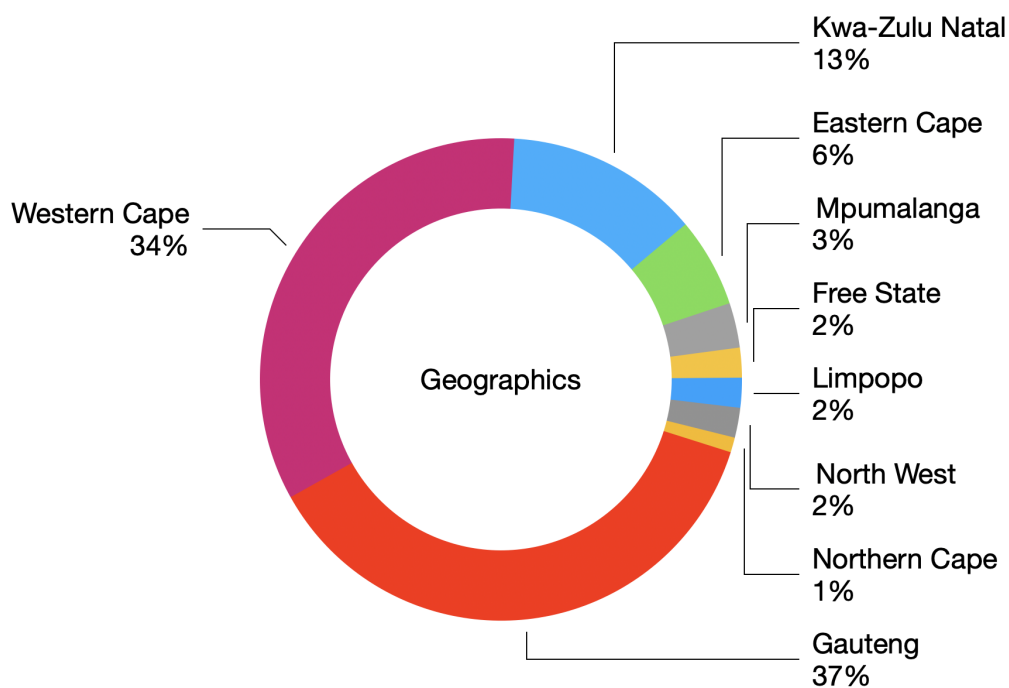


### - Harsh Jail Sentencing

- "Rape /murder gets 5 -10years in Jail! 15 years for a plant! Society is warped!"
- "Parts of this bill make no sense for the community it affects. The fact that there is still a jail charge is outrageous as this goes against the constitutional decision of 2018. The bill needs to be amended by professionals who are involved in the industry."

### Demographics

Comments originated from all provinces with the greatest input arising from Gauteng, followed by Western Cape and KZN. Demographics can be further broken down into comment options (yes, no, not fully) and by top concern per region upon request, or view the Excel spreadsheet attached.



Thank you

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