#### Ras Tafari Ganjah Council: Free State submissions to the Cannabis Bill On purposes of the Bill,

##### The Ras Tafari Ganjah Council Free State proposes an omission of that purpose, as Cannabis should be declassified as a narcotic which may have harmful effects, but as a plant which Ras Tafari consider and use as a herb, and that harmful effects of cannabis are only perceived since the Department of Health has declared Cannabis a medical substance of schedule 0.

The Ras Tafari Ganjah Council Free State proposes an insertion be made to read “*to respect the right of adults belonging to indigenous cultural, religious and linguistic communities to sacramental use of cannabis.*” We think this inclusion or consideration of indigenous, Cultural, religious and linguistic communities will demonstrate commitment on the part of Government to protect its indigenous communities along recommendations made by Chapter 9 Institutions, such as the Commission for the Protection and Promotion Cultural, Religious and Linguistic Rights.

##### The Ras Tafari Ganjah Council proposes an insertion to be made to read “*to review the sentences of persons arrested on account of possession of cannabis.*” This is proposed by the Ras Tafari Ganjah Council because many adherents of Ras Tafari Faith are still in custody on account of possession and use of cannabis. The Ras Tafari Ganjah Council Free State proposes that expungement of criminal records should also extend to those still in prison falling under the category of those previously convicted of possession or use of cannabis.

**On arrangement of sections,**

The Ras Tafari Ganjah Council Free State proposes the insertion of additional three (3) sections immediately after section 2 which read “prescribed quantities for personal use by adult person.” The proposed sections include a section which should read “Exemption of use of sacramental cannabis by adults belonging to religious communities.”; a Section which should read “special licenses for Cultural, Religious and Indigenous Communities; and a section which should read “cannabis for medical purposes”

The reason for the proposed insertion of the entire section dealing with exemption of Ras Tafari community is because Ras Tafari community are the principal users of the herb cannabis and use cannabis mainly by smoking it and do so as part of their religious worship and sacramental ceremony, and should be exempt from the definitions prescriptions and limitations of use which regulate an adult in private space. The Ras Tafari community use cannabis as a food source and natural health food supplement (oil, seeds, tea, etc) for all; as a source of commercial activity (industrial hemp, material for clothes); as a source of African Traditional Medicine with medical and scientific qualities in liquid and solid concentrates (CBD, THC, etc).

Ras Tafari Ganjah Council proposes that section 7 which reads “Expungement of criminal records of persons convicted of possession or use of cannabis”, should be amended to read “Expungement of criminal records and release of persons convicted of possession or use.”

**On Definitions and interpretation**

The medical practitioner definition should have a part which reads, “any certified medical practitioner including indigenous herbalists and traditional healers who may prescribe the use of medical cannabis. The law of South Africa accedes to the classification of medical practitioners in a manner that recognises indigenous knowledge and this is the case with Traditional Health Practitioners Act, Act No. 22 of 2007.

Since there are varied uses of cannabis in private including sacramental use, The Ras Tafari Ganjah Council Free State proposes that sacramental use be included in the definitions, and that it be defined amended to read “means for exclusive use of an adult person for religious or sacramental purposes.”

The Ras Tafari Ganjah Council proposes that the definition of remuneration for purposes of this Act be limited only to any transaction involving money and not extend to consideration, gift or reward, and should read “*remuneration means any form of compensation involving money*”

##### Ras Tafari Ganjah Council proposes that the Bill should be amended to render Ras Tafari community exempt from cultivation and consumption offenses which are outlined in Section 3, Section 4 and Section 6 which deals with penalties of cultivation and consumption offenses of the Bill.

**The following are the proposed sections to be inserted in the Bill:**

***Exemption of use of sacramental cannabis by adults belonging to indigenous, religious and cultural community***

* + 1. *(1) A cultural, religious and linguistic community which uses cannabis as a sacrament shall be permitted to cultivate, store and transport cannabis for sacramental purposes.*
       1. *The designated leaders of a cultural, religious and linguistic community which is permitted to handle cannabis under a license shall not handle or permit the handling of cannabis for any type of commercial benefit or engage in a sale unless otherwise permitted and licensed to do so in terms the law.*
       2. *A sacramental dispensary shall:*
          1. *Not be operated for money or for profit, financial or monetary gain or compensation;*
          2. *Only dispense to adult persons registered as members to the religious organization; and*
          3. *Dispense sacramental cannabis for all religious ceremonies where sacramental cannabis is required.*
       3. *The Minister of Justice and Correctional Services may, by Order, declare an event to be an exempt event for purposes of this Act, if he/she is satisfied that the event is:*
          1. *Promoted or sponsored by a person who is an adherent of a cultural, religious or linguistic communities; and*
          2. *Primarily for cultural or religious purposes, in accordance with the provisions of this Act.*
       4. *Where an event is declared under this section to be an exempt event for the purposes of this Act, no person at the event shall be liable to arrest, detention or prosecution for any offence or any other penalty regarding cannabis being transported to, or which is possessed, supplied or used at the exempt event in such amount and under such conditions are as specified in the Order declared by the Minister of Justice and Correctional Services.*
       5. *No adult person shall cause or permit a child to use cannabis at a place of worship, a sacramental dispensary or an exempt event.*

***Special Licenses for cultural, religious and linguistic communities***

* + 1. *(1) The following are the license type given for religious organizations:*

1. *A* ***Cultivator License*** *which shall be issued to allow for the growing, harvesting, drying, trimming, curing or packaging of cannabis;*
2. *A* ***Dispensary License*** *which shall be issued to allow for the storage and dispensing of cannabis;*
3. ***An Import License*** *which shall be issued to allow for the importation of cannabis from any country where it is legal to do so;*
4. *An* ***Export License*** *which shall be issued to allow for the exportation of cannabis to any country in keeping with the laws of such country; and*
5. *A* ***Transport License*** *which shall be issued to allow for the transport of cannabis.*
6. *The designated leadership of the cultural, religious and linguistic community may, on behalf of that said community, apply for a license where:*
   1. *The cultural, religious and linguistic community registered under the Non-Profit Organization Act;*
   2. *The constituent documents of the cultural, religious and linguistic community state that cannabis is required for cultural, religious and linguistic purposes as a sacrament in adherence to a practice of the cultural, religious and linguistic community.*
7. *An application for a license shall include:*
   1. *A name, address and contact information of the designated leadership of the cultural, religious and linguistic community;*
   2. *A name, address and contact information of cultural, religious and linguistic community;*
   3. *A survey plan of the land on which cannabis for the use in accordance with this Act is to be cultivated; and*
   4. *Proposed arrangements for the transportation of the cannabis from the land on which it is proposed to be cultivated, to the place of worship, the sacramental dispensary or to an exempt event.*

***Cannabis for medical purposes***

*5.*

1. *The parent/guardian of, or a person with responsibility for, a patient who is a child shall obtain a certificate in writing from a certified medical practitioner or designated caregiver certifying that the use of medical cannabis is necessary in the case of that child, and the parent/guardian shall consent in writing the use of medical cannabis by the child.*
2. *In circumstance where a prescription or recommendation by a certified medical practitioner requires the repeated usage of medical cannabis which may span several months, a*

*pharmacy or dispensary shall not dispense to the patient more than a thirty-day supply of individual doses at a time.*

1. *A medical practitioner shall maintain a record of every patient to whom he has prescribed or recommended medical cannabis, and where that patient has a caregiver the medical practitioner shall also enter into the record the name and contact information of the caregiver.*

An insertion of these sections are imperative and should exempt the Ras Tafari community to grow, cultivate, transport and use cannabis for sacramental purposes. Other countries such as Trinidad Tobago and Jamaica where there is a considerable concentration of Ras Tafari adherents have such introduced such legislation in a manner compliant with the United Nations 1961 Convention on Narcotics, and the AU commitment to guiding States on cannabis policy considerations.

An amendment must be made to issue permit for the Ras Tafari community which will be valid for five (5) years, in order to enable and facilitate a learning framework for South African Ras Tafari growers and students to learn the intricacies and challenges of growing cannabis for medicinal purposes and for gradually achieving requisite compliance for both local and export use of cannabis grown in South Africa.

**On Consumption Offenses**

The Ras Tafari Ganjah Council Free State proposes that subsection 5(2) which reads “Any person smokes cannabis in the immediate presence of any non-consenting adult person is guilty of a class D offense”, should be amended to read “*Any person smokes cannabis in the immediate presence of any non-consenting adult person is guilty of a class D offense, unless in a private place and within prescribed distance*.” The reason is that the Bill designates areas permissible to consume cannabis, and if an adult person is consuming in the prescribed manner and areas, that they should not be deemed guilty of consumption offense.

The Ras Tafari Ganjah Council Free State proposes that 5 (3) which reads “Any person who smokes cannabis in the immediate presence of a child, is guilty of a Class C offense.”, should be amended to read “ *Any adult person who smokes cannabis in the immediate presence of a child, is guilty of a Class C offense, unless participating in a sacramental church ceremony*.” The reason is that Children are an integral part of Ras Tafari congregation and church, who must learn about the Priesthood Order and the responsibilities of administering sacrament to the congregation and cannot be deprived nor excluded from enjoyment of their religious rights. Sacrament is not administered by children nor on them, only around them in a sacrament, worship and prayer set up.

#### On Offenses involving a child

Section 6 (5) which reads “ Any person who administers cannabis to a child is guilty of a Class A offense”, Should be amended to read “*Any person who administers cannabis to a child without a prescription by a certified medical practitioner, is guilty of a Class A offense*” The reason is that in many instances Ras Tafari community makes use of cannabis as an African Traditional Medicine, and administer cannabis on children patients upon recommendation by Ras Tafari herbalists.

#### On Expungement of criminal records of persons convicted of possession and use of cannabis

The Heading of Section 8 which reads “Expungement of criminal records of persons convicted of possession or use of cannabis should b amended to read as follows: “*Expungement of criminal records and release of persons convicted of possession or use of cannabis*”

##### Ras Tafari community is one of the most marginalised of the communities in South Africa. Children whom are members of Ras Tafari religion for many decades in South Africa have been chased out of school, rendering them illiterate and unemployable, thus economically inactive. Adherents of Ras Tafari religion at different workplaces in South Africa have faced and continue to face serious discriminatory practices on the grounds of their religious appearance of wearing hair in locks. Therefore the Ras Tafari Ganjah Council proposes amendment to the Bill to treat reparations, redress, reconciliation and reintegration of previously disadvantaged and disenfranchised Ras Tafari communities who are primary users of the cannabis plant (a sort of affirmative action), and to provide that the indigenous knowledge practitioners and Ras Tafari community are granted special status to obtain exempt permits which allow them to cultivate the cannabis plant for research in medical and scientific, spiritual and socio-cultural dimensions.

As a form of redress of Ras Tafari community whom are cannabis users, the Bill must be amended to provide that large pharmaceutical companies who have dominated the industry while the Ras Tafari community was disenfranchised, and those entering the industry do so in Private Public Partnership relationship with Ras Tafari Community represented by the Rastafari Ganjah Council, who must own a combined 40% stake in the business for the first fifty years of the business as part of their commitment to National Development Programme.

Increased participation by small farmers and growers of cannabis has multiple effects on addressing triple challenges of inequality, poverty and unemployment facing South Africa.

**On prescribed quantity**

The Ras Tafari Ganjah Council proposes the following quantities for Cultural, Religious and Linguistic Communities.

**Schedule 3**

**(Section 1 and 2) PRESCRIBED QUANTITY**

|  |  |
| --- | --- |
| Sections | Quantity |
| Section 2(1)(b) | Four flowering cannabis plants or cannabis plant equivalent per adult person; or (ii) eight flowering cannabis plants or cannabis plant equivalent per dwelling which is occupied by two or more adult persons (Amend to read as follow: unlimited quantity for cultural, religious and linguistic communities and persons and spiritual  leaders belonging to those communities) |
| Section 2(1)(c) | 100 grams dried cannabis or cannabis equivalent, and persons (Amend to read as follow: unlimited quantity for cultural, religious and linguistic communities and persons and spiritual leaders belonging to  those communities |
| Section 2(1)(d) | (i) 600 grams dried cannabis or cannabis equivalent per adult; or (ii) 1200 grams dried cannabis or cannabis equivalent per dwelling which is occupied by two or more adult persons, and persons (Amend to read as follow: unlimited quantity for cultural, religious and linguistic communities and persons and spiritual leaders belonging to  those communities) |
| Section 2(1)(e) | One flowering cannabis plant or cannabis  plant equivalent |
| Section 2(3)(a) | 30 seeds or seedlings or any combination  thereof |
| Section 2(1)(a) | Unlimited seeds and seedlings |
| Section 2(3)(b) | One flowering cannabis plant or cannabis  plant |