**DAFF’S RESPONSE:**

**PQ.  1087/NW2246E Mrs A Steyn (DA) to ask the Minister of Agriculture, Land Reform and Rural Development:**

Whether she has found that her department is managing any legislation that is hampering the importation of medicinal cannabis seeds into the Republic; if so, (a) what legislation and (b) what steps is her department taking to amend the specified legislation? NW2246E

1. There is no legislation within the Department of Agriculture, Land Reform and Rural Development which hampers the importation of medical cannabis seeds into the Republic. However, there is regulation which governs the importation of plants and plant products into South Africa. The importation of plant and plant products are subject to the Agricultural Pests Act, 1983 (Act No.36 of 1983). The purpose of the Agricultural Pests Act is to provide for measures by which agricultural pests may be prevented and combated.

In terms of Section 3 of the Agricultural Pests Act, 1983 (Act No.36 of 1983) (APA), no person shall import into the Republic any plant except on the authority of a permit. Under the said Act “Plant” is defined as any live or dead part of a plant and any derivation of plant. In this regard, any importation of plant including the seeds thereof should meet the phytosanitary import requirements of the Republic under the Agricultural Pests Act.

Cannabis seed for medical, industrial or any other purpose is subject to the Agricultural Pests Act, 1983. It therefore has to be imported under the certain conditions which are informed by a pest risk assessment.

In the past, pre-2001, *Cannabis sativa* was declared a weed in terms of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983) (CARA) under Regulation 15 and subsequently there has been an amendment in 2001 which was promulgated in 2001 and Cannabis was removed from the list of declared weeds. The list of CARA under regulation 15 was interlinked with R.846 of 12 April 1985 of the Agricultural Pests Act, 1983 (Act No.36 of 1983) used to regulate the importation of Cannabis: live plants or seeds only for research purpose. Regulation R.846 of 12 April 1985 provides for importation of plants that are listed under Regulation 15 of CARA list as a declared weed or invader plant. Subsequently, the CARA list was amended in 2001 and Cannabis was removed from the list. The reason for removal of cannabis includes that  Cannabis does not affect agricultural production and does not meet the CARA criteria and further that it is being regulated by other pieces of legislation, namely:

* + Drugs and Drug Trafficking Act, 1992: Section 3 (Part III): Department of Justice and Correctional Services,
  + Medicines and Related Substances Act 101 of 1965 as amended, Department of Health.

1. There is currently no need for amending the Agricultural Pest Act, 1983, to accommodate the importation of Cannabis seed into South Africa. The only requirement is that import conditions needs to be developed based on a pest risk assessment. The pest risk assessment and the development of import conditions is a consultative process which is currently underway and expected to be concluded before the end of 2019. It should be noted that the importation of *Cannabis sativa* will still be subjected to the requirements of the legislation of the Department of Justice and Correctional Services and the Department of Health.