**2. Interim report of the Portfolio Committee on Justice and Correctional Services on the Cannabis for Private Purposes Bill [B 19 - 2020] (National Assembly – sec 75), dated 23 March 2022**

The Portfolio Committee on Justice and Correctional Services (the Committee), having considered the Cannabis for Private Purposes Bill [B 19 - 2020], referred to it and classified by the Joint Tagging Mechanism (JTM) as a section 75 Bill, reports in interim as follows:

1. In *Minister for Justice and Constitutional Development and Others v Prince* 2018 (6) SA 393 (CC), the Constitutional Court declared the following legislative provisions unconstitutional, as they amount to an impermissible limitation of the right to privacy:
   * + - * Section 4(b) (possession) and section 5(b) (dealing on the basis of cultivation) of the Drugs and Drugs Trafficking Act 140 of 1992 (the Drugs Act), read with Part III of Schedule 2 of that Act; and
         * Section 22A(9)(a)(i) of the Medicines and Related Substances Control Act, read with Schedule 7 of Government Notice No. R 509 of 2003.
2. The Court suspended the order of invalidity for 24 months (by 17 September 2020) for Parliament to correct the constitutional defects. Although the 24 months has been exceeded, there is no gap in the law as the Court provided a reading-in provision that ensures that an adult person will not be guilty of a criminal offence if they use, possess or cultivate cannabis for their personal consumption in private.
3. On 1 September 2020, the Cannabis for Private Purposes Bill [B19-2020] was introduced and referred to the Committee for consideration and report.
4. The Committee was briefed on the contents of the Bills on 4 September 2020 and the Bill was then published for public comment.
5. The Committee was also briefed by the Department of Agriculture, Land Reform and Rural Development and the Department of Trade and Industry and Competition on the 25 August 2020 on the draft Cannabis Master Plan, which contains a strategy to industrialise and commercialise cannabis.
6. The Committee received 55 written submissions and held public hearings on 31 August 2021 and 1 and 2 September 2021 on the virtual platform Zoom in which 26 individuals or organisations made oral submissions.
7. The Bill, as introduced, broadly proposes to:
   * + - * Respect the right to privacy of an adult person to possess cannabis plant cultivation material; to cultivate a prescribed quantity of cannabis plants; to possess a prescribed quantity of cannabis; and to consume cannabis;
         * Regulate the possession of cannabis plant cultivation material; the cultivation of cannabis plants; the possession of cannabis; and the consumption of cannabis by an adult person;
         * Protect adults and children against the harms of cannabis;
         * Provide for the expungement of criminal records of persons convicted of possession or use of cannabis;
         * Delete and amend provisions of certain laws; and
         * Provide for related matters.
8. Flowing from the public submissions and its pursuant deliberations, the Committee has identified certain subjects that the introduced Bill does not address and, therefore, in terms of Rule 286(4)(b) of the National Assembly Rules seeks the Assembly’s permission to extend the subject of the Bill to, in addition:
   * + - * Provide for commercial activities in respect of recreational cannabis;
         * Provide for the cultivation, possession and supply of cannabis plants and cannabis by organisations for religious and cultural purposes on behalf of their members; and
         * Respect the right to privacy of an adult person to use cannabis for palliation or medication.

**Report to be considered.**