

South African President Signs Landmark Cannabis Legalization Bill

President Ramaphosa Approves Cannabis for Private Purposes Act

President Cyril Ramaphosa has signed the Cannabis for Private Purposes Act (CfPPA) into law, legalizing the possession and cultivation of marijuana by adults. This historic move comes just one day before national elections and follows years of legislative efforts.

Legislative Journey and Constitutional Mandate

The National Assembly passed the CfPPA last November, with the National Council of Provinces giving its approval in February. The reform stems from a 2018 Constitutional Court ruling that declared the prohibition on simple possession and cultivation of cannabis unconstitutional, requiring legislative action within two years. Despite delays, the bill was finally introduced in 2020, underscoring the government's commitment to economic expansion through cannabis industry development.

Impact of the New Legislation

The president's office stated, "The consequent regulatory reform enabled by the CfPPA will, amongst others, entirely remove cannabis from the Drugs and Drug Trafficking Act." This reform will also lead to amendments in several other laws to facilitate the industrialization of the cannabis sector.

The legislation also addresses medical and child protection aspects, stating, "The Bill further guides the medically prescribed administration of cannabis to a child while also protecting children from undue exposure to cannabis."

Restrictions and Expungements

The law does not permit the commercial sale of cannabis. Adults must grow their own plants and consume them privately. Additionally, the legislation provides for the expungement of prior marijuana possession and cultivation convictions, a significant step toward justice reform.

Future Prospects

Parliament spokesperson Moloto Mothapo expressed hope that the non-commercial legalization bill will pave the way for more robust regulations to establish a marijuana market in South Africa. In his 2022 State of the Nation address, President Ramaphosa highlighted the potential of the cannabis industry to create over 100,000 jobs, emphasizing the importance of entering the global medical hemp and cannabis market.

For now, the new law focuses on removing criminal penalties, aligning with the Constitutional Court's 2018 ruling, which followed a similar decision by a lower court in the Western Cape province.

Comparative Global Context

South Africa's move mirrors similar judicial actions globally. For instance, Mexico's Supreme Court also ruled marijuana criminalization unconstitutional in 2018, mandating legislative reform that has yet to be fully realized.

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