BRIEFING AND ADVICE NOTE: Minister of Justice & Constitutional Development

TO	**Ms Mmamoloko Kubayi MP, Minister of Justice and Constitutional Development**
ATTENTION	**Dr Lufuno Marwala** and **Mr Siyabonga Dube,** Special Advisers to the Minister; **Mr Lebohang Tshabalala,** Chief of Staff, **Mr Mokulubete**, Dept Legal Advisor
FROM	Cannabis Crisis Coalition
DATE	17 November 2026

Urgently finalise the Cannabis for Private Purposes Act and remove Cannabis from the Drugs and Drug Trafficking Act

Dear Minister Kubayi,

THE BOTTOM LINE

The Cannabis Crisis Coalition (CCC) has written an open letter to the President and seven Ministers, signed by 1,133 organisations and individuals, including patients, doctors, pharmacists, growers, manufacturers and businesses. We are contacting your office in advance so that you are ready for media questions and can respond with a plan, not a holding line.

Your Ministry leads two of the CCC's five priorities: **urgently finalising the Cannabis for Private Purposes Act (CfPPA)** so that it can come into force, and **removing cannabis from the Drugs and Drug Trafficking Act.** As long as cannabis sits in that Act, adults exercising a constitutional right are treated as drug offenders, and no lawful medical, private or commercial framework can work properly. Your department indicated the regulations would be finalised by March 2026; **that date has passed.**

We have asked the President to **convene a Presidential Round Table bringing the CCC together with all seven responsible Ministers and SAHPRA** to deliver the five priorities on one time-bound plan. We ask you to support that request and to attend in person.

The situation

- **Cannabis is still listed in the Drugs and Drug Trafficking Act,** eight years after the Constitutional Court's 2018 Prince judgment. Adults acting within their rights are still arrested, have plants confiscated and face demands for bribes.
- **The CfPPA would delete cannabis from the Act,** but it cannot commence until Parliament approves the final regulations and the President proclaims commencement. Draft regulations published on 2 February 2026 drew 2,807 submissions. Nothing final has followed.
- **Government has already agreed to move faster.** The 2023 Cannabis and Hemp Phakisa, convened by the Presidency, resolved to explore ways to fast-track removal of cannabis from the Drugs Act. That commitment has not been delivered.
- **Everything else is waiting on this step.** The DTIC cannot finalise a commercial framework, and SAHPRA is left policing adult use through medicines law, while cannabis remains a listed drug.

The CCC's five priorities

All five priorities need political leadership to happen on time. The ones your Ministry leads are highlighted.

1	**Lift the ban on Section 21** Instruct the Department of Health and SAHPRA to lift the ban on Section 21 approvals that is blocking doctors from treating patients with serious medical conditions. Patients are already running out of medicines. LEAD Health and SAHPRA TIMEFRAME Immediately
2	**Finalise the Cannabis for Private Purposes Act** YOUR MINISTRY LEADS Urgently finalise the regulations so that the Act can come into force. LEAD Justice and Constitutional Development TIMEFRAME Date Committed by 11 December 2026; in force by the end of February 2027
3	**Remove cannabis from the Drugs and Drug Trafficking Act** YOUR MINISTRY LEADS Take cannabis out of the Act, so that it is governed by its own laws for private use, medicine and commerce. LEAD Justice and Constitutional Development TIMEFRAME Date committed by 11 December 2026; in force by the end of the first quarter of 2027
4	**Establish a register for South African medicinal cannabis** Instruct SAHPRA to establish a register for quality-assured medicinal cannabis that is GMP-manufactured in South Africa, so that Section 21 is no longer the only route for patients. LEAD Health and SAHPRA TIMEFRAME Approach agreed at the Round Table; draft for comment by mid-2027
5	**End cannabis arrests** Issue a **national** SAPS directive placing a moratorium on arrests for the private use, possession and cultivation of cannabis, in line with the 2018 Constitutional Court judgment, until the Cannabis for Private Purposes Act is in force. LEAD Police, with Justice and the NPA TIMEFRAME Directive issued before the December shutdown

What we are asking your Ministry to do

1. **Urgently finalise the CfPPA regulations,** taking account of public submissions, with fixed dates for tabling in Parliament and for Presidential proclamation.

   TIMEFRAME **Final regulations published by the end of February 2027**

2. **Remove cannabis from the Drugs and Drug Trafficking Act.** Bring the CfPPA's deletion of cannabis from the Act into force, and complete the removal so that cannabis is governed by its own laws for private use, medicine and commerce, as the 2023 Phakisa resolved to fast-track.

   TIMEFRAME **Commit to a date in your reply by 11 December 2026; removal in force by the end of the first quarter of 2027**

3. **Support a Presidency-convened Round Table and attend in person,** bringing a timetable for removing cannabis from the Drugs and Drug Trafficking Act and finalising the CfPPA regulations.

   TIMEFRAME **Advisers and officials meet before the December shutdown; ministerial Round Table before the State of the Nation Address in February 2027**

4. **Work with SAPS and the NPA on a moratorium on cannabis arrests** for **private** use, possession and cultivation until the Act is in force, and review pending private-use prosecutions.

   TIMEFRAME **Before the December shutdown**

What is at stake for South Africa

The National Cannabis Master Plan values the sector at around **R28 billion**, with **10,000 to 25,000 jobs** across the value chain. Today the formal market generates only about R5.5 billion a year; roughly half of all activity is illicit and pays no tax. Removing cannabis from the Drugs Act is the legal foundation for all of it.

It also frees police, prosecutor and court time now spent on adults acting within their rights, and removes a daily source of petty corruption.

Considerations for your office

- **A deliverable the Ministry can own.** Taking cannabis out of the Drugs Act is a visible, achievable reform that unlocks the work of six other departments.
- **Expect questions.** Following publication, media will ask why cannabis is still a listed drug. A published timetable is the strongest answer.

Next step

We ask for a meeting with you or the officials responsible for the CfPPA and a written response within 14 working days of publication of the open letter, confirming your support for the Round Table and setting out your department's timetable. The CCC can brief your advisers this week.

Yours sincerely,

The Cannabis Crisis Coalition

On behalf of the 1,133 organisations and individuals who signed the open letter