



SA DRUG POLICY INITIATIVE

“Advocating for humane, rational drug laws to reduce drug-related harms”

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**Response to South African Health Products Regulatory Authority (SAHPRA) statement on the “Status of cannabis-containing products (including oils) and the cultivation of cannabis for medicinal use”**

SAHPRA’s statement of February 2019 is misleading and misses the point about the right to privacy and the legal regulation of cannabis.

We commend its statement for warning potential consumers that the sale of cannabis-containing products remains illegal and that they risk “exposing themselves and others to legal and health risks as the safety, efficacy and quality of these products cannot be assured”. However, SAHPRA obscures the substance and spirit of the Constitutional Court judgment and overlooks its own responsibility for the lack of legal regulation of cannabis-containing products.

It states the following. “The Constitutional Court judgment should not be misconstrued to mean that persons may be allowed to prepare cannabis-containing products, including extract cannabis oils from cannabis cultivated in a private place, and then to sell such products to the public.” This is correct.

But SAHPRA’s statement implies that the judgment may be misconstrued as applying to cannabis-containing products (including oils) for medicinal use. The judgment does not exclude such use and makes no mention of methods or motives of cannabis consumption. There is no reason why the private cultivation and manufacture of a cannabis-containing or cannabinoid-containing substance for medicinal use should not enjoy equal protection under the right to privacy.

The final phrase of the above quote bears emphasis: “...and then to sell such products to the public.” Indeed, the Constitutional Court made no provision for the legal purchase or sale of cannabis, or by extension cannabis-containing products intended for medicinal use.

Currently available cannabis-containing or cannabinoid-containing substances for medicinal use are unregulated and have not been certified as safe, effective, of good quality, and compliant with good manufacturing practices. But this is a result of SAHPRA’s delay in approving licences and supporting licence applicants, despite its “developmental approach”.

SAHPRA must fulfil its mandate to ensure that products marketed and sold as medicinal meet acceptable standards. The possible risks associated with cannabis-containing substances can only be reduced if SAHPRA and other agencies accept that the demand for these products is not going away. It is their responsibility to regulate supply to reduce possible dangers.

Prohibition makes drug use more dangerous. The South African Drug Policy Initiative calls for all drugs to be legally regulated in the same ways as other potentially risky behaviours and substances. This is the best way to manage those risks – particularly to the young and vulnerable.

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