Legal Framework for Cannabis Clubs in South Africa

As of September 2025, South Africa's cannabis laws allow adults (over 18) to possess, cultivate, and consume cannabis for private personal use, following the Cannabis for Private Purposes Act (signed into law in May 2024). This decriminalizes small-scale personal activities but strictly prohibits "dealing" in cannabis, which includes any form of commercial sale, trade, or distribution. Public use, possession near children, or driving under the influence remain illegal.

There are no dedicated licenses for responsible adult use cannabis clubs or retail outlets—any commercial sale of cannabis (THC-containing) is unlawful unless it's for medicinal purposes under strict regulation by the South African Health Products Regulatory Authority (SAHPRA). Hemp (low-THC cannabis for industrial/CBD products) has separate, more permissive rules via the Department of Agriculture, but that's not relevant for THC-focused clubs.

Cannabis clubs operate in a legal "grey area." Many function as private, non-commercial members' clubs where cannabis is grown collectively and shared among members for personal use, without any monetary exchange for the product itself. This model draws from the 2018 Constitutional Court ruling on privacy rights, allowing collective exercise of personal cultivation and consumption. However, if a club involves buying/selling cannabis—even indirectly—it risks being classified as illegal dealing under the Drugs and Drug Trafficking Act. Recent cases, like the Haze Club, highlight this: Their appeal to the Supreme Court of Appeal was withdrawn in November 2024, leaving the High Court's 2021 dismissal in place, which rejected their model as insufficiently private and non-commercial. The South African Police Service (SAPS) and SAHPRA have warned they will act against illegal operations, including unlicensed dispensaries or clubs.

Non-Commercial Self-Regulating Clubs (e.g., Grow One Africa, Joint Venture, The CannaClub)

These are the most common "legal" models, often called Dagga Private Clubs (DPCs) or Private Social Cannabis Clubs. They emphasize non-profit, member-funded operations where fees cover services (e.g., cultivation, storage, events), not the cannabis itself. Cannabis is grown by or for members and distributed as a shared resource, aligning with private use rights. Organizations like Grow One Africa provide compliance support for about 15 clubs with 9,000+ members, focusing on traceability, sustainability, and self-regulation under the 2024 Act. The CannaClub and similar groups offer frameworks for safe operations. Their legal status is untested in court if strictly private, but they face risks if perceived as commercial.

In 2025, advocacy groups like MBOSA (Marijuana Board of South Africa), South African Cannabis and Hemp Industry Development Association (SACHIDA), and the South African Cannabis Clubs Alliance (SACCA) are pushing for formal recognition.

Legal Premises for Cannabis Social Clubs

The founding members and all subsequent members -

1. recognise that:
    1.1. the right to privacy enshrined in section 14 of the Constitution of the Republic of South Africa, 1996 (“the SA Constitution”) encompasses the right of consenting adults to cultivate, use and possess Cannabis in private for purposes of their personal consumption in private (“the privacy-based Cannabis rights”);
    1.2. the privacy-based Cannabis rights do not extend to any activities connected with dealing in Cannabis or profiting from the sale or other trade of Cannabis – that such activities remain strictly illegal in terms of Drugs and Drugs Trafficking Act 140 of 1992 (“Drugs Act”);
    1.3. notwithstanding—
        1.3.1. the cogent, overarching guidelines outlined in the Constitutional Court’s Prince Privacy Judgment concerning the lawful exercise of the privacy-based Cannabis rights; and
        1.3.2. the fact that Parliament is presently finalising a more permanent and sensible legal framework for the lawful means, modalities and parameters for the exercise of the privacy-based Cannabis rights in the Cannabis for Private Purposes Bill, 2020,
    1.4. there is presently a lacuna regarding specific laws for the safe, responsible and informed exercise of the privacy-based Cannabis rights;
    1.5. the legal question regarding the extent to which an adult may, in private, cultivate Cannabis on behalf of another adult and under the auspices of the ‘Grow Club Model’ is the subject of a litigious appeal process presently pending in the High Court system in South Africa;
    1.6. this present legal lacuna unjustly compels many existing and consenting adult Cannabis users – who seek the requisite knowledge, skills and resources of others in accessing their constitutional rights to privately cultivate and personally and privately consume Cannabis – to resort to organised and other criminal, unregulated and unsafe activities in order to exercise their constitutionally protected right to consume Cannabis in private, a result that the learned judges in the Prince Privacy judgment could not have intended;

2. therefore, believe that:

2.1. a reasonable (logical, practical and legitimate) and necessary implication of the Prince Privacy Judgment, is that people who satisfy The CannaClub membership criteria must be permitted to transparently exercise their corollary right to freedom of association enshrined in section 18 of the SA Constitution and voluntarily establish and participate in conscious, educational and community-driven, non-profit associations, such as The CannaClub, which functions as a private Cannabis Social Club—

2.1.1. in conformity with the European Guidelines for Cannabis Social Clubs developed by the European Coalition for Just and Effective Drug Policies (ENCOD), which in turn—

2.1.1.1. require the cultivation, processing and consumption of Cannabis to all take place through the members of the Cannabis Social Club; and

2.1.1.2. prohibit franchising of and any form of dealing at the Cannabis Social Club;

2.1.1.3. require that the Cannabis Social Club be non-profit based and have active community empowerment or involvement initiatives; and

2.1.1.4. as a Stokvel, distinguishable in numerous material and demonstrable respects from the ‘Grow Club Model’,

Section 21 Clubs and Medical Models

Section 21 refers to Section 21 of the Medicines and Related Substances Act, which allows compassionate access to unregistered medicines (like cannabis products) for individual patients via a doctor's application to SAHPRA. It's not intended for clubs or dispensaries—it's patient-specific for serious conditions. Some "clubs" misuse this by sourcing from licensed facilities (e.g., SAHPRA-approved growers) and redistributing, which is illegal and constitutes dealing. This "dumping" mentioned is unauthorized and risky, as licensed facilities are meant for export or registered medical products, not black/grey market supply. True medical dispensaries require SAHPRA licensing as pharmacies or manufacturers, which is rare and tightly controlled.

Exploring Co-Existence: Non-Commercial and Commercial Cannabis Models in South Africa

South Africa's cannabis landscape currently features both non-commercial cannabis social clubs and emerging commercial enterprises. While these models have historically operated separately—and sometimes in tension—there is an opportunity to harmonize their roles in a way that respects constitutional rights, encourages responsible use, and supports local economic development.

Non-Commercial Cannabis Social Clubs (CSCs)
These clubs function as community-based harm reduction centres, emphasizing education, responsible consumption, and member accountability. They operate on a non-profit basis, ensuring that cannabis remains a shared resource for personal use rather than a commodity for sale. CSCs protect constitutional privacy rights and provide inclusive platforms for adults to cultivate, access, and consume cannabis safely within a structured, supportive environment.

Commercial Cannabis Models
Commercial operations—including licensed dispensaries, Section 21 medical cannabis suppliers, and industrial processing facilities—serve a complementary purpose. They provide regulated, high-quality products to the formal market, create employment opportunities, generate tax revenue, and establish local economic offsets that benefit municipalities and communities. Their operations are tightly controlled, and compliance ensures consumer safety and product traceability.

Pathways for Co-Existence
To harmonize both models, South Africa can adopt a framework that:

1. Clearly defines the legal boundaries between non-commercial and commercial cannabis activities.

2. Recognizes non-commercial CSCs as community-based harm reduction and educational hubs.

3. Ensures commercial operations are strictly regulated, with transparent oversight, taxation, and licensing requirements.

4. Encourages collaboration between CSCs and commercial entities on education, public health, and community engagement initiatives.

5. Provides mechanisms for innovation and equitable participation while minimizing risk of illicit activity or monopolization.

By establishing distinct yet complementary roles, non-commercial and commercial cannabis models can coexist in a way that maximizes societal benefit, protects constitutional rights, supports economic growth, and fosters a safe, accountable cannabis ecosystem.