

Amendments to Narcotics Ordinances on cannabis for medical purposes

Amendments to Narcotics Ordinances on cannabis for medical purposes enter into force on 1 August 2022

1. Basis

The prohibition of cannabis for medical purposes will be removed with effect from 1 August 2022 in the Narcotics Act. Handling of cannabis for non-medical purposes continues to be generally prohibited and will continue to require an exemption from the Federal Office of Public Health (FOPH).

This legislative change also entails amendments to the Narcotics Control Ordinance (Betäubungsmittelkontrollverordnung) and the Narcotics List Ordinance (Betäubungsmittelverzeichnisverordnung).

The valid ordinances are published at www.admin.ch (under Federal law and Classified compilation, SR 812.121.1 and SR 812.121.11).

Further information will be updated and made available electronically on an ongoing basis

2. Amendments to the Narcotics List Ordinance with effect from 1 August 2022

Due to the removal of the prohibition in the Narcotics Act, cannabis for medical purposes will be reallocated from List d (prohibited narcotics) to List a (all substances subject to control measures) of Narcotics List Ordinance.

As a result, the use of cannabis for medical purposes will be subject to regular control measures, like other controlled substances in List a (see Betäubungsmittelkontrollverordnung).

Cannabis plants and parts thereof as well as preparations such as extracts, resins, oils and tinctures and the compounds dronabinol and THC are also being reallocated to List a, provided there is an intended medical purpose.

The defined limit of at least 1.0% total THC content remains unchanged.

3. Amendments to the Narcotics Control Ordinance with effect from 1 August 2022 regarding cultivation

Swissmedic will be taking over the remit of the Cannabis Agency for the cultivation of cannabis for medical purposes in accordance with the United Nations Single Convention on Narcotic Drugs of 30 March 1961.

A two-stage authorisation procedure, comprising an establishment licence for cultivation and an individual cultivation licence, is being created for the cultivation of cannabis for medical purposes. The establishment licence for cultivation is a prerequisite for issuing an individual cultivation licence. In order to issue an establishment licence for cultivation, a system is required that ensures sufficient protection against theft and prevents the use of cultivated plants for other purposes.

The holder of an establishment licence for the cultivation of cannabis for medical purposes is authorised to procure the necessary seeds and seedlings for cultivation and deliver plants to the customer specified in the supply agreement.

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An individual cultivation licence is required for each cultivation of cannabis for medical purposes. In addition to an establishment licence for the cultivation of cannabis for medical purposes, the conditions for Swissmedic to issue individual cultivation licences include a system for traceability and quality assurance for the cannabis supplied and a written supply agreement with precise details on the type and quantity of cultivation and the obligation of the purchasing party to take full delivery of the harvest. The individual cultivation licence is limited to 12 months and is restricted to a specific customer.

4. Submission of applications

Application forms for an establishment licence for the cultivation of cannabis for medicinal purposes will be available on the webpage of the Swissmedic Narcotics Division.

Swissmedic has expanded the established NDS-WEB electronic portal to include applications and reporting obligations of growers of cannabis for medical purposes.

Holders of an establishment licence for the cultivation of cannabis for medical purposes can therefore submit their applications for an individual cultivation licence and imports of seeds and seedlings electronically. The system also enables entry of reporting obligations associated with the individual cultivation licence, such as sowing, any incidents, harvest and delivery.