Cannabis – Outlook on manufacture and distribution in Switzerland

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Switzerland also participates in European market surveillance and the European single market for medical devices through the EU-Switzerland Mutual Recognition Agreement (MRA, Chapter 4). Once the MDR enters into force, negotiations will be needed to update the MRA. Whether this process can be completed before MDR is effective remains to be seen. Failing a timely update of the MRA, Swiss manufacturers will have to comply with third country requirements as of May 2020 and take corresponding measures. For Swiss manufacturers of currently approved medical devices with a European conformity marking (CE), however, access to the EU market will remain guaranteed for the time being.

Cannabis has been classified as a prohibited narcotic in Switzerland since 1951. Consumption of cannabis with a tetrahydrocannabinol (THC) content of at least 1% is generally prohibited in the country. However, Switzerland does permit cultivation of hemp and use of cannabis products below the 1% THC threshold.

Cannabis flowers intended for smoking and with high levels of cannabidiol (CBD) and less than 1% THC have no intoxicating effect and can be legally sold and purchased. Even though these products are not covered by the Swiss Narcotics Act (NarcA) because they do not induce psychotropic effects, they cannot be distributed and advertised at will. Depending on the product category, industrial exploitation and distribution in Switzerland fall within the scope of the Swiss Therapeutic Products Act (TPA) (for cannabis in medical applications) or the Swiss Foodstuffs Act (FSA).

Cultivation of hemp with a THC content of less than 1% is generally permissible in Switzerland. In certain cantons, however, a license to cultivate the plant is required while other cantons provide for a duty to inform. Exemptions may be granted for the cultivation of hemp with a THC content of at least 1% if it is to be used in limited medical applications, scientific research or drug development.

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