



ADDICTION | SWITZERLAND

Lausanne, March 2026

External review of the preliminary draft of the Swiss cannabis products act (LPCan): report prepared for the EKSJ/CFANT

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Acknowledgments

The authors express their sincere recognition to the members of the Commission fédérale pour les questions liées aux addictions et à la prévention des maladies non transmissibles (CFANT), which appointed Addiction Suisse to carry out the study and provided funding for it. They also thank the nine international experts who shared their expertise and provided valuable, independent opinions within the short timeframe allocated to respond to the questionnaire.

Impressum

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Order number:	Research report N° 191
Diffusion:	Addiction Suisse, case postale 870, 1001 Lausanne, tél. +41 (0)21 321 29 46, fax +41 (0)21 321 29 40
Layout:	Addiction Suisse
Copyright:	© CFANT and Addiction Suisse, Lausanne 2026
ISBN:	978-2-88183-368-7
DOI:	10.58758/rech191
Citation:	Sculco C, Chavanne J and Zobel F. External review of the preliminary draft of the Swiss Cannabis product act (LPCan): report prepared for the EKS/CFANT, Lausanne: Addiction Suisse, March 2026

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Summary

This report presents the results of a consultation with nine international experts conducted for the release of the preliminary draft of the Swiss cannabis products act (LPCan). It outlines the experts' assessment on 14 core elements of the draft, including the advantages and potential risks associated with the provisions, as well as their recommendations on which aspects should be retained or modified. The objective of the consultation was to support Swiss policy makers in developing a regulatory model for cannabis that draws on both international best practices and past experiences.

The provisions of the preliminary draft are regarded by the experts as comprehensive, with the key feature being a government monopoly framework centred on public health. The experts agree that the core elements are overall reasonable, appropriate, sound, and well justified. According to them, such a regulatory model would guarantee strong consumer protection, improve public health outcomes and social equity among users. The federal legislative framework should allow cantonal and local authorities to introduce additional local provisions, provided these are not less stringent than federal standards and do not conflict with federal objectives.

The experts strongly support a sales model based on a federal government monopoly for online sales, combined with cantonal-level monopolies for brick-and-mortar retails. They also support the non-profit nature of retail points. Comprehensive restrictions on advertising, promotion, marketing, and sponsorship are seen as key to protect public health and youth exposure. Uniform, neutral packaging is valued, as it aligns with efforts to create a non-commercialised market that prioritises consumer safety and public health. (Neutral) packaging will strengthen consumer control over THC content and should have a clear ingredient labelling. They also point out the need to specify sales limits.

The experts value the fact that the proposal intends to regulate cannabinoids other than Δ^9 -THC; still, the technical definition of products included and excluded from the regulation should be clearly specified as to preclude any room for grey areas. Overall, some experts value the three-parts distinction between products (i.e., untransformed, transformed without additives and transformed with additives). They also welcome the classification of products based on mode of use and the list of unauthorized additives, which includes substances such as nicotine, alcohol, and caffeine. Some experts support limiting THC levels in view of the increasing potency of cannabis products, while others argue the proposed caps are too high and could cause unintended public health effects, suggesting alternative approaches instead.

The fact that cannabis cultivation and transformation require a non-transferable license from the Swiss Federal Office of Public Health is deemed a strength. This would enable market-stability through long-term compliance along with uniform quality standards across Switzerland. A licence of five years instead of ten is recommended. The experts also support small-scale and personal home cultivation, although with some additional regulations, as it respects individual freedom and reduces dependence on commercial or illicit suppliers.

According to the experts the principle of an incentive tax represents a good provision for public health, especially when combined with revenue redistribution. Still, they raise concerns about the fact that the incentive tax depends on the mode of use. They also raise questions about what constitutes the appropriate tax rate to account for the harms associated with mode of use and THC concentration.

The experts support the fact that selling cannabis illegally and supplying it to minors remain criminal offenses. Strong sanctions should be instituted to overcome risk of smuggling from a legal Swiss resident and to discourage "pot tourism". Finally, experts acknowledge that *Driving under the influence*

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constitutes a challenging area with few easy options. They suggest alternative approaches such as THC threshold coupled with proven impairment or the use of Drug Recognition Experts at the roadside.

Overall, the preliminary draft of the LPCan is seen as a thoughtful and well-designed proposition, that could offer a politically viable legal supply model capable of effectively containing harms. While the draft is promising, it requires further refinement to preclude any room for grey areas, tax or regulatory loopholes.

Résumé

Ce rapport porte sur les résultats d'une consultation menée auprès de neuf experts internationaux dans le cadre de la publication du projet préliminaire de Loi sur les produits cannabiques (LPCan). Il présente l'évaluation des experts au sujet de 14 éléments clés du projet, notamment les avantages et les risques potentiels associés aux dispositions légales, ainsi que leurs recommandations sur les aspects à conserver ou à modifier. L'objectif de la consultation est de soutenir les autorités suisses dans l'élaboration d'un modèle réglementaire pour le cannabis qui s'inspire à la fois des bonnes pratiques internationales et des expériences existantes.

Les dispositions du projet de LPCan sont considérées par les experts comme exhaustives, la caractéristique principale de la législation étant un cadre de monopole gouvernemental axé sur la santé publique. Les experts s'accordent à dire que les éléments fondamentaux sont globalement raisonnables, appropriés, solides et bien justifiés. Selon eux, un tel modèle réglementaire garantirait une protection forte des consommateurs, améliorerait les résultats en matière de santé publique et favoriserait l'équité sociale entre les utilisateurs. Le cadre législatif fédéral devrait permettre aux autorités cantonales et locales d'introduire des dispositions locales complémentaires, à condition que celles-ci ne soient pas moins strictes que les normes fédérales et ne soient pas en contradiction avec les objectifs fédéraux.

Les experts soutiennent fermement un modèle de vente basé sur un monopole fédéral pour les ventes en ligne, combiné à des monopoles cantonaux pour les ventes au détail dans les magasins physiques. Ils soutiennent également le caractère non lucratif des points de vente. Une interdiction complète de la publicité, de la promotion, du marketing et du parrainage sont également considérées comme essentielles pour protéger la santé publique et les jeunes. Un emballage uniforme et neutre est apprécié, car il s'inscrit dans les efforts visant à créer un marché non commercialisé qui donne la priorité à la sécurité des consommateurs et à la santé publique. Un emballage (neutre) renforcera le contrôle des consommateurs sur la teneur en THC et devrait comporter un étiquetage clair des ingrédients. Ils soulignent également la nécessité de préciser des limites de vente (quantités).

Les experts apprécient le fait que la proposition vise à réglementer les cannabinoïdes autres que le Δ^9 -THC ; toutefois, la définition technique des produits inclus et exclus de la réglementation devrait être clairement précisée afin d'éviter toute zone d'ombre. Dans l'ensemble, les experts apprécient la distinction faite entre trois types de produits : non transformés, transformés sans additifs et transformés avec additifs. Ils saluent également la classification des produits en fonction de leur mode d'utilisation et la liste des additifs non autorisés, qui comprend des substances telles que la nicotine, l'alcool et la caféine. Certains experts sont favorables à une limitation des niveaux de THC compte tenu de la puissance croissante des produits à base de cannabis, mais d'autres estiment que les limites proposées sont trop élevées et pourraient avoir des effets indésirables sur la santé publique, et suggèrent des approches alternatives.

Le fait que la culture et la transformation du cannabis nécessitent une licence non transférable délivrée par l'Office fédéral suisse de la santé publique est considéré comme un atout. Cela permettrait de stabiliser le marché grâce à une conformité à long terme et à des normes de qualité uniformes dans toute la Suisse. Une licence de cinq ans au lieu de dix est recommandée. Les experts soutiennent également l'autorisation de la culture personnelle à petite échelle à domicile, moyennant certaines réglementations supplémentaires, car cela respecte la liberté individuelle et réduit la dépendance à l'égard du marché.

Selon les experts, le principe d'une taxe incitative constitue une bonne mesure pour la santé publique, en particulier lorsqu'il est associé à une redistribution des recettes dans ce domaine. Ils s'inquiètent

toutefois du fait que la taxe incitative dépende du mode de consommation. Ils s'interrogent également sur le taux d'imposition approprié pour tenir compte des dommages liés au mode de consommation et à la concentration en THC.

Les experts soutiennent le fait que la vente illégale de cannabis et sa fourniture à des mineurs restent des infractions pénales. Des sanctions sévères devraient être instaurées afin de lutter contre le risque de contrebande par des résidents suisses et de décourager le « tourisme du cannabis ». Enfin, les experts reconnaissent que *la conduite sous influence* constitue un domaine difficile où il existe peu de solutions faciles. Ils suggèrent des approches alternatives telles qu'un seuil de THC associé à une altération avérée des facultés de conduite ou le recours à des experts en reconnaissance de drogues sur la route.

Dans l'ensemble, le projet préliminaire de la LPCan est considéré comme une proposition réfléchie et bien conçue, qui pourrait offrir un modèle d'approvisionnement légal politiquement viable et capable de limiter efficacement les dommages. Bien que le projet soit prometteur, il peut encore être affiné afin d'exclure toute zone d'ombre et tout échappatoire fiscal ou réglementaire.

Zusammenfassung

Dieser Bericht präsentiert die Ergebnisse einer Konsultation mit neun internationalen Experten, die im Zusammenhang mit der Veröffentlichung des Vorentwurfs des Schweizer Cannabisproduktgesetzes (LPCan) durchgeführt wurde. Er enthält die Einschätzung der Experten zu 14 Kernelementen des Entwurfs, darunter die Vorteile und potenziellen Risiken der Bestimmungen, sowie ihre Empfehlungen dazu, welche Aspekte beibehalten oder geändert werden sollten. Ziel der Konsultation war es, die Behörden bei der Entwicklung eines Regulierungsmodells für Cannabis zu unterstützen, dass sich sowohl auf internationale Best Practices als auch auf bestehende Erfahrungen stützt.

Die Bestimmungen des Entwurfs zum LPCan werden von den Experten als umfassend angesehen, wobei das Hauptmerkmal der Gesetzgebung ein staatliches Monopol ist, das sich auf die öffentliche Gesundheit konzentriert. Die Experten sind sich einig, dass die Kernelemente insgesamt angemessen, sachgerecht, fundiert und gut begründet sind. Ihrer Meinung nach würde ein solches Regulierungsmodell einen starken Verbraucherschutz gewährleisten, die Ergebnisse im Bereich der öffentlichen Gesundheit verbessern und die soziale Gerechtigkeit unter den Konsumenten fördern. Der gesetzliche Rahmen des Bundes sollte es auch den kantonalen und lokalen Behörden ermöglichen, zusätzliche lokale Bestimmungen einzuführen, sofern diese nicht weniger streng sind als die Bundesstandards und nicht im Widerspruch zu den Zielen des Bundes stehen.

Die Experten unterstützen nachdrücklich ein Vertriebsmodell, das auf einem Monopol des Bundes für den Online-Verkauf in Verbindung mit Monopolen der Kantone für die physischen Verkaufsstellen basiert. Sie befürworten auch den nicht-gewinnorientierten Charakter der Verkaufsstellen. Umfassende Beschränkungen für Werbung, Verkaufsförderung, Marketing und Sponsoring werden ebenfalls als entscheidend für den Schutz der öffentlichen Gesundheit und den Schutz von Jugendlichen angesehen. Eine einheitliche, neutrale Verpackung wird als sinnvoll erachtet, da sie den Bemühungen um einen nicht kommerziellen Markt entspricht, der die Sicherheit der Konsumierenden und die öffentliche Gesundheit in den Vordergrund stellt. Eine (neutrale) Verpackung stärkt die Kontrolle Konsumierenden über den THC-Gehalt und sollte eine klare Kennzeichnung der Inhaltsstoffe aufweisen. Die Experten weisen auch auf die Notwendigkeit hin, Verkaufsbeschränkungen (Menge) festzulegen.

Die Experten schätzen die Tatsache, dass der Vorschlag darauf abzielt, auch andere Cannabinoide als Δ^9 -THC zu regulieren; dennoch sollte die technische Definition der Produkte, die unter dem Gesetz fallen und von ihm ausgenommen sind, klar festgelegt werden, um Grauzonen auszuschließen. Insgesamt schätzen einige Experten die dreiteilige Unterscheidung zwischen unverarbeiteten, ohne Zusatzstoffe verarbeiteten und mit Zusatzstoffen verarbeiteten Produkten. Sie begrüßen auch die Klassifizierung der Produkte nach Verwendungsart und die Liste der nicht zugelassenen Zusatzstoffe, die Substanzen wie Nikotin, Alkohol und Koffein enthält. Einige Experten befürworten eine Begrenzung des THC-Gehalts angesichts der zunehmenden Stärke der Cannabisprodukten, während andere argumentieren, dass die vorgeschlagenen Obergrenzen zu hoch sind und unbeabsichtigte Auswirkungen auf die öffentliche Gesundheit haben könnten, und schlagen stattdessen Alternativen vor.

Die Tatsache, dass für den Anbau und die Verarbeitung von Cannabis eine nicht übertragbare Lizenz des Bundesamtes für Gesundheit erforderlich ist, wird als Stärke angesehen. Dies würde durch langfristige Einhaltung der Vorschriften und einheitliche Qualitätsstandards in der ganzen Schweiz für Marktstabilität sorgen. Es wird eine Lizenzdauer von fünf statt zehn Jahren empfohlen. Die Experten unterstützen auch die Möglichkeit des kleinen Selbstanbaus zu Hause, wenn auch mit einigen zusätzlichen Vorschriften, da dies die individuelle Freiheit respektiert und die Abhängigkeit gegenüber dem Markt reduziert.

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Nach Ansicht der Experten stellt das Prinzip einer Lenkungsabgabe eine gute Maßnahme für die öffentliche Gesundheit dar, insbesondere in Verbindung mit einer Umverteilung der Einnahmen in diesem Bereich. Dennoch äußern sie Bedenken hinsichtlich der Tatsache, dass die Lenkungsabgabe von der Art des Konsums abhängt. Sie werfen auch die Frage auf, welcher Steuersatz angemessen ist, um den mit der Art des Konsums und der THC-Konzentration verbundenen Schäden Rechnung zu tragen.

Die Experten befürworten, dass der illegale Verkauf von Cannabis und die Abgabe an Minderjährige weiterhin strafbar bleiben. Es sollten strenge Sanktionen eingeführt werden, um das Risiko des Schmuggels durch Einwohner der Schweiz zu verringern und den „Cannabis-Tourismus“ zu unterbinden. Schließlich erkennen die Experten an, dass *das Fahren unter Drogeneinfluss* ein schwieriges Thema ist, für das es kaum einfache Lösungen gibt. Sie schlagen alternative Ansätze vor, wie beispielsweise einen THC-Grenzwert in Verbindung mit einer nachgewiesenen Beeinträchtigung oder den Einsatz von Drogenexperten an der Straße.

Insgesamt wird der Vorentwurf des LPCan als durchdachter und gut konzipierter Vorschlag angesehen, der ein politisch tragfähiges legales Versorgungsmodell bieten könnte, mit dem sich Schäden wirksam eindämmen lassen. Der Entwurf ist zwar vielversprechend, kann jedoch noch weiter verfeinert werden, um Grauzonen, Steuer- oder Regulierungslücken auszuschließen.

Riassunto

Il presente rapporto presenta i risultati di una consultazione condotta con nove esperti internazionali in vista della pubblicazione della proposta preliminare della legge svizzera sui prodotti a base di cannabis (LPCan). Esso illustra la valutazione degli esperti su 14 elementi fondamentali della proposta, compresi i vantaggi e i potenziali rischi associati alle disposizioni, nonché le loro raccomandazioni su quali aspetti dovrebbero essere mantenuti o modificati. L'obiettivo della consultazione era quello di sostenere i responsabili politici svizzeri nello sviluppo di un modello normativo per la cannabis che attingesse sia alle migliori pratiche internazionali che alle esperienze passate.

La proposta è considerata completa, con la sua caratteristica principale che è un quadro di monopolio governativo incentrato sulla salute pubblica. Gli esperti concordano sul fatto che gli elementi fondamentali siano nel complesso ragionevoli, appropriati, validi e ben giustificati. Secondo loro, un tale modello normativo garantirebbe una forte protezione dei consumatori, migliorerebbe i risultati in materia di salute pubblica e l'equità sociale tra i consumatori. Il quadro legislativo federale dovrebbe consentire alle autorità cantonali e locali di introdurre disposizioni locali aggiuntive, a condizione che queste non siano meno rigorose degli standard federali e non siano in contrasto con gli obiettivi federali.

Gli esperti sostengono con forza un modello di vendita basato su un monopolio del governo federale per le vendite online, combinato con monopoli a livello cantonale per la vendita al dettaglio nei negozi fisici. Essi sostengono inoltre la natura non lucrativa dei punti vendita al dettaglio. Anche le restrizioni complete alla pubblicità, alla promozione, al marketing e alla sponsorizzazione sono considerate fondamentali per proteggere la salute pubblica e l'esposizione dei giovani. Si apprezza l'uso di imballaggi uniformi e neutri, in quanto in linea con gli sforzi volti a creare un mercato non commercializzato che dia priorità alla sicurezza dei consumatori e alla salute pubblica. Il packaging (neutro) rafforzerebbe il controllo dei consumatori sul contenuto di THC e dovrebbe riportare un'etichettatura chiara degli ingredienti. Gli esperti sottolineano inoltre la necessità di definire limiti di vendita.

Gli esperti apprezzano il fatto che la proposta intenda regolamentare i cannabinoidi diversi dal Δ^9 -THC; tuttavia, la definizione tecnica dei prodotti inclusi ed esclusi dalla regolamentazione dovrebbe essere chiaramente specificata per escludere qualsiasi margine di ambiguità. Nel complesso, alcuni esperti apprezzano la distinzione in tre parti tra prodotti non trasformati, trasformati senza additivi e trasformati con additivi. Accolgono inoltre con favore la classificazione dei prodotti in base alla modalità d'uso e l'elenco degli additivi non autorizzati, che include sostanze quali nicotina, alcol e caffeina. Alcuni esperti sostengono la limitazione dei livelli di THC in vista della crescente potenza dei prodotti a base di cannabis, mentre altri ritengono che i limiti proposti siano troppo elevati e potrebbero causare effetti indesiderati sulla salute pubblica, suggerendo invece approcci alternativi.

Il fatto che la coltivazione e la trasformazione della cannabis richiedano una licenza non trasferibile rilasciata dall'Ufficio federale della sanità pubblica svizzero è considerato un punto di forza. Ciò consentirebbe la stabilità del mercato attraverso la conformità a lungo termine e standard di qualità uniformi in tutta la Svizzera. Si raccomanda una licenza di cinque anni anziché di dieci. Gli esperti sostengono anche la coltivazione domestica su piccola scala e per uso personale, sebbene con alcune norme aggiuntive, in quanto rispetta la libertà individuale e riduce la dipendenza da fornitori commerciali o illegali.

Secondo gli esperti, il principio di un'imposta incentivante rappresenta una buona misura per la salute pubblica, soprattutto se combinato con la redistribuzione delle entrate. Tuttavia, essi sollevano preoccupazioni sul fatto che l'imposta incentivante dipenda dalla modalità di consumo. Sollevano inoltre

interrogativi su quale sia l'aliquota fiscale appropriata per tenere conto dei danni associati alla modalità di consumo e alla concentrazione di THC.

Gli esperti sostengono che la vendita illegale di cannabis e la sua fornitura ai minori rimangano reati penali. È necessario istituire sanzioni severe per superare il rischio di contrabbando da parte di residenti legali in Svizzera e scoraggiare il "turismo della cannabis". Infine, gli esperti riconoscono che *la guida sotto l'effetto di sostanze stupefacenti* costituisca un'area difficile con poche opzioni facili. Suggestiscono approcci alternativi come la soglia di THC abbinata a una comprovata alterazione delle facoltà o l'uso di esperti nel riconoscimento di sostanze stupefacenti lungo le strade.

Nel complesso, la bozza preliminare della LPCan è considerata una proposta ponderata e ben concepita, in grado di offrire un modello di fornitura legale politicamente sostenibile e in grado di contenere efficacemente i danni. Sebbene la proposta sia promettente, richiede un ulteriore perfezionamento per escludere qualsiasi margine di ambiguità, scappatoie fiscali o normative.

1 Introduction

This report presents the results of a consultation with a panel of nine international experts active in the study of cannabis legalization and regulation, who were asked to provide an assessment on 14 core elements outlined in the preliminary draft of the Swiss cannabis product act (LPCan), as well as on the advantages and potential risks associated with them.

1.1 The international context

Between 2012 and 2024, nearly half of the fifty states that make up the United States of America, as well as two countries, Uruguay and Canada, adopted legislation regulating the use, production and distribution of cannabis. The prevailing new regulatory framework for cannabis in the United States and Canada often closely mirrors that applied to alcohol with additional provisions concerning, for example, strict quality controls on products for sale, maximum quantities that can be purchased or possessed, restrictions on advertising and promotions, packaging requirements and excise or other taxation. This model of “*regulated liberalism*” has so far been associated with reduction in police reports related to cannabis consumption and the gradual replacement of the illegal market. The model has however also led to product diversification, with the emergence of products such as edibles and concentrates, an increase in the number of retail outlets, higher levels of product potency, and lower prices, alongside an overall rise in regular cannabis use, particularly among adults.

Few jurisdictions have adopted regulatory approaches that differ significantly from this model. In Uruguay, cannabis is produced under state control, and the government sets prices and the quantities that can be grown or purchased. Citizens who want to obtain cannabis legally must also register and specify whether they wish to grow it themselves or within an association or purchase it from a pharmacy. This model, the least liberal of all, has taken a long time to roll out and currently seems to cover only part of the demand in the country. Another exception to the dominant model of cannabis regulation is that of Quebec. This Canadian province has adopted a not-for-profit sales model with product regulation, driven by public health considerations, that is more restrictive than that of its neighbouring provinces and states. A state-owned company, the *Société Québécoise du cannabis* (SQDC), owns a monopoly on sales, and its profits must support accompanying measures such as health prevention, education and research. The data available so far suggest that the model is roughly on a par with replacing the black market, but that it performs better than more liberal models in terms of consumption trends and other social and health indicators.

Currently, the political momentum for changes in cannabis regulation has also reached Europe, although with more limited reforms. Malta, Luxembourg and Germany have authorised the possession and self-supply (individual or in association) of cannabis but have not set up a cannabis production and sales network as exists in the Americas. The Netherlands, for their part, have adopted an experimental approach that may help overcome the grey areas left by the Dutch tolerance policy, while at the same time reducing public order and safety issues as well as health risks for consumers (Knotternus et al. 2023)¹. Some coffee shops now obtain their supplies from a legal and regulated supply chain, rather than relying on the illegal market. The Country is thus testing a comprehensive supply chain from

¹ Knotternus, J. A., Blom, T., van Eerden, S., et al. (2023). *Cannabis policy in The Netherlands: Rationale and design of an experiment with a controlled legal (“closed”) cannabis supply chain*. Health Policy, Mar;129:104699.

production to distribution, which could eventually lead to the full regulation of cannabis, incorporating the experience gained in recent decades with the tolerance policy model.

1.2 The Swiss context

Switzerland has also taken an experimental approach with the implementation of local cannabis sales projects in the form of scientific pilot trials. In December 2025, there were seven pilot studies underway in major cities and cantons across the Country, namely Zürich, Basel, Bern, Lausanne and Geneva, with about 13'000 participants overall. Five pilots were initiated by cities and cantons that initially required the experimentation, and two were initiated by private actors.

At the same time, the Swiss parliament has adopted a parliamentary initiative to legalize and regulate cannabis. A parliamentary subcommittee has outlined a preliminary draft of the LPCan, which has been released for consultation in September 2025 and is expected to be submitted to the Parliament in 2026. The draft draws on experiences of legalization in different countries. It constitutes a new approach that departs from existing international models, notably by retaining:

- The classification of cannabis as a narcotic drug regulated by an ad-hoc legislation;
- The priority of public health objectives;
- Attention to product definition and safety;
- The choice of cantonal monopolies for sales and a federal monopoly for online sales, with a non-profit sales model, whereby any profits are dedicated to public health or other measures;
- Neutral packaging and specific provisions concerning information for consumers;
- Prohibition of advertisement or sponsoring;
- Production under a licensing scheme and with a ban on vertical integration between cultivation, manufacturing and distribution;
- The possibility of self-supply by growing a few plants at home;
- An incentive tax to steer consumers towards low-risk products and consumption patterns;
- Youth protection measures that are significantly stricter than those in place for alcohol and tobacco;
- A commitment to closely monitor, evaluate and adapt the regulatory framework;

These elements form a proposal for the regulation of cannabis which, if approved by the Parliament, would become a legislation implemented nationwide in Switzerland.

1.3 Research objective

In view of the release of the preliminary draft of the LPCan, the National advisory board on addiction issues (EKS/N/CFANT) recognised the relevance of consulting a panel of international experts active in the study of cannabis legalization and regulation to obtain their assessment on the core elements outlined in the preliminary draft, together with the advantages and potential risks associated with the provisions. The experts' insights and recommendations were deemed useful for refining the preliminary draft, helping to create a regulation and legalization model that learns from both international best

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practices and mistakes. This process aims to produce a sound, more effective, and successful framework while minimizing harms and loopholes. It also allows for the consideration of issues that previous jurisdictions may have overlooked.

2 Methods

Mandated by the EKS/CFANT, Addiction Suisse conducted an expert consultation with nine recognised experts in the field of the study of cannabis regulation. The experts come from the academia and policymaking at the international level, specifically in Europe, the United States and Canada. The six north American experts have extensively studied the developments in this part of the world. The three others are European experts involved in different projects that focus on the analysis and evaluation of legislations on cannabis: These are:

- Jonathan Caulkins (Carnegie Mellon University)
- Beau Kilmer (RAND Corporation),
- Rosalie Paccula (University of Southern California)
- Gillian Schneider (Cannabis Regulators Association/University of Washington).
- David Hammond (University of Waterloo)
- François Gagnon (Canadian Centre on Substance Use and Addiction)
- Jakob Manthey (Zentrum für Interdisziplinäre Suchtforschung - Universität Hamburg, Projekt EKOCAN)
- Ivana Obradovic (Observatoire Français des Drogues et des Tendances Addictives, projet ASTRACAN)
- Elle Wadsworth (University of Bath, EU Cannabis policy toolkit (Cannapol) project)

The identification and selection of experts prioritised existing professional networks and the fact that the experts are based in countries that have already experienced cannabis legalisation initiatives or have extensively studied them.

2.1 Data collection

The expert consultation was conducted within a very short timeframe, reflecting the priority placed on delivering an assessment of the draft proposal within the policy agenda's timeline. The consultation took the form of a questionnaire with open-ended questions, allowing each expert to report on the advantages and potential risks associated with the provisions outlined in the preliminary draft of the Swiss LPCan. To make this feasible, the experts were provided with a document outlining a short summary of the draft's 14 core elements (e.g., product definitions, cultivation/manufacturing, taxation, etc.) (Annex). References to the relevant articles of the preliminary draft were included for further reading, along with links to the full text of the act. The experts were asked to assess each core element to indicate the advantages and risks they associate with the element, and their recommendations for retaining or modifying it. The data were collected in REDCap, in compliance with privacy standards.

2.2 Data analysis and synthesis

The authors adopted a thematic content analysis to identify recurring themes, dominant opinions, and differences in expert texts. Questionnaire responses were analysed in the original language (i.e., English, and, to a limited extent, French or German). Interpreting themes in relation to the political and

regulatory context involved deducing patterns of meaning and analysing patterns of recurrence or associations within themes.

To start, the authors familiarized with the texts (questionnaire responses). At the first level of analysis, they assigned codes to segments of text that captured relevant aspects. These codes were then grouped into main themes (i.e., macro areas and core elements) and sub-themes (i.e., strengths and opportunities, weaknesses and risks, suggestions and considerations for implementations). The themes and sub-themes were then reviewed, combined, or divided to ensure consistency. Attention was paid to distinguishing between the evaluation of the proposed legislation and the elements to consider in its implementation. The collected data were entered into a data extraction form, organized by themes and sub-themes.

To protect privacy and ensure consistency, the authors do not attribute responses to the individual experts. The assessments and recommendations are presented in aggregate and reported when concordance in the discourse emerged, or when two or more experts raised the same theme or opinion. In cases of disagreement or divergent opinions, this is explicitly noted.

2.3 Structure of the report

The following results chapter starts with presenting the experts' overall view on the preliminary draft of the LPCan. It then outlines the detailed assessment and comments on the draft. Here, the experts' views on the advantages and risks they associate with it, as well as their recommendations for retaining or modifying it, are presented, organized by five macro areas (i.e., *General regulatory principles; Regulation of cannabis products; Market regulations; Taxation and funding measures; Sanctions*) and by each of the 14 core elements (Refer to the Annex). The discussion summarizes the main points.

3 Results

3.1 Overall assessment

This chapter presents the experts' overall views on the preliminary draft of the LPCan.

3.1.1 *The framework in outline*

The preliminary draft of the LPCan has been received very positively by all nine international experts. At this stage, the draft is regarded as a thoughtful and well-designed proposal that addresses issues “*that previous jurisdictions worldwide failed to consider*”. Some experts have described it as an *outstanding* proposal, noting that it could offer a politically viable legal supply model capable of effectively containing harm.

The proposal is viewed as comprehensive, and all experts consider that its salient feature is to be built around a government monopoly model and focused on public health. The experts unanimously agree that the core elements of the preliminary draft are reasonable, appropriate, sound, and well justified. According to some experts, such a model would guarantee strong consumer protection, improved public health outcomes, and greater social equity among users:

“This model has the very high potential to avoid both the harms associated with prohibition and those associated with hyper-commercialization. The logic of providing access without promotion strikes me as the right approach, at least until it is demonstrated, over the coming decades, that the mass commercialization of cannabis does not have the same effects as that of alcohol or tobacco. Some proposal (no marketing/advertising, non-profit entities that serve as the point of access for cannabis, etc.) foster public health protection”.

3.1.2 *Overall observations and recommendations*

Overall, the experts advise carefully assessing whether all proposed provisions can be effectively implemented in Switzerland and how easily or not regulators will be able to adjust and adapt as an entirely new legal market emerges. They also stress the importance of ensuring that all or most stakeholders share a clear understanding of the mission behind cannabis regulation and its core objectives, as this clarity will help resist pressure from special interest groups on both sides of the debate. In addition, the experts emphasize the need to clearly identify who will regulate the market. The regulatory authority should be staffed with experienced regulators and scientists, and should establish detailed procedures for product safety, laboratory testing, recalls, inspections, and compliance. Finally, they recommend finding an appropriate balance in policy and regulation—one that allows an industry to operate under clear limitations that protect public health, while ensuring that the regulation and public health measures remain realistic and do not result in a return to prohibition.

3.2 In-depth assessment

This chapter offers a closer examination of experts' detailed assessment on the preliminary draft of the LPCan. Experts' views on the advantages and risks they associate with it, as well as their recommendations for retaining or modifying it, are presented, organized by five macro areas (i.e., *General regulatory principles; Regulation of cannabis products; Market regulations; Taxation and funding measures; Sanctions*) and by each core element. For each macro area, the key takeaways and the elements to consider in the implementation of the legislation are highlighted at the end of the section. The experts' insights can thereby inform the development of a comprehensive and priority-oriented regulatory framework.

3.2.1 General regulatory principles

The first core elements fall within the scope of the General regulatory principles. This includes: 1) *Type and scope*; 2) *General set-up*; 3) *Regulation*; 4) *Monitoring and evaluation*. (Refer to the Annex). The element *Monitoring and evaluation* received one of the strongest supports and is deemed particularly important by some experts.

Type and scope

Legal clarity

According to the experts, providing legal clarity through regulation of the cannabis market, rather than permitting a free market, is fundamental. Such a legislation would create room for public health protection, crime reduction and economic gains. Some experts consider appropriate to keep cannabis classified as a narcotic for public health reasons.

Scope of the law

All the experts value the fact that the proposal intends to regulate cannabinoids other than $\Delta 9$ -THC; still, the technical definition of products included and excluded from the regulation should be clearly specified as to preclude any room for grey areas. The definition should apply to both intermediate and final products and include serving- and package-level thresholds (mg). It is also important to specify whether THC limits apply to the plant material, intermediate or final products, and to include explicit provisions addressing THCA and $\Delta 8$ -THC. Moreover, clarity is required regarding how synthetic cannabis products are defined:

"If synthetic cannabinoids are not explicitly regulated, producers could market products containing a low percentage of natural THC and an elevated percentage of synthetic $\Delta 8$ -THC under the legal framework".

One expert recommends authorising synthetic cannabis products where their chemical structure is analogous to that of naturally occurring cannabinoids, while banning substances such as synthetic cannabinoid receptor agonists (SCRAs). This is actually what the LPCan foresees. A second expert suggests following the Canadian approach, which regulates all cannabinoids, including THC and CBD, under the same framework. Another expert instead suggests retaining products containing >1% THC and other intoxicating cannabis or hemp-derived products within the scope of the legislation.

All the experts warn that if cannabis products are not clearly defined, there is a risk of creating tax and regulatory loopholes, as observed in the United States with the U.S. Farm Bill of 2018. In that case, products containing cannabinoids other than $\Delta 9$ -THC proliferated, and the market became saturated

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with intoxicating cannabinoids. Relatedly, there is a risk of permitting the production and sale of CBD or THCA, for example by using do-it-yourself CBD-to-THC conversion methods and illegally selling the resulting products or else, permitting “grey products” such as CBD products containing 0.5% Δ 9-THC and 0.5% Δ 8-THC.

General set-up

Centralised legislation

The strong federal regulation that leaves little room for manoeuvre in designing and modifying market rules is generally viewed as positive by the experts, as it restricts the liberalisation of commerce, competition and it reduces space for regulatory capture by industry interests. Centralised legislation on key aspects such as packaging and quality standards is regarded as chief, as it facilitates implementation and it enables the provision of harmonised product information nationwide, thereby also improving consumer knowledge.

Federal, cantonal and local requirements

All the experts suggest establishing a basic federal legislative framework, allowing cantonal and local authorities to introduce additional requirements or restrictions, provided these are not less stringent than federal standards and do not conflict with federal objectives. According to some experts, rather than embedding extensive technical details, the legislation could articulate clear overarching goals and a coherent structure, while delegating authority to regulators to define and adapt specific provisions. On this point, the experts require some caution: one reminds that introducing overly liberal provisions in the federal legislation makes the imposition of additional restrictions difficult, and another deems that: “*it is much harder to implement further restriction than to loosen them after*”. To end, one expert emphasised the importance of clarifying whether a local opt-out would be an option.

Regulation

Age and residency restrictions

Guaranteeing optimal compliance of age and residency restrictions is a prerequisite. One expert suggests setting the minimum age at 21, except for medical use. Yet some experts stress the challenge of establishing effective age-gating mechanisms for any online or digital promotions. Limiting sales to Swiss citizens or residents prevents cannabis tourism; this is crucial in a small country like Switzerland, which borders countries with restrictive cannabis laws. The national electronic track-and-trace system will serve as a strong measure against diversion.

Advertising and sponsorship

All the experts think that comprehensive restrictions on advertising, promotion, marketing, and sponsorship are key to protect public health and youth exposure. They help shield consumers from commercial pressures, thereby promoting responsible use. Prohibition on all forms of marketing, and sponsorship should also apply to brick-and-mortar shops, which should have covered windows to prevent people outside stores from seeing products and promotional materials. Despite this, one expert suggests explicitly allowing the informational promotion about the existence of retail points of sale, as well as about product availability and prices to adults.

Vertical integration

Some experts believe that vertical integration should not be allowed, as foreseen by the LPCan. This means that holders of cultivation or processing licenses cannot participate in sales, and vice versa. Still, these experts note that vertical integration is relatively easy to circumvent. One expert suggests allowing vertical integration for small companies to help them stand out from larger cannabis firms and support a more craft-based approach to production and sales.

Monitoring and evaluation

The evaluation system

According to the experts, an in-built monitoring and evaluation system will permit a central data collection to ensure evaluation at the federal level. Such a process will guide policymakers in appraising the impact of cannabis regulation in Switzerland, examining consumption behaviours and perform regulatory changes for prioritising public health. A monitoring system will permit to assess emerging risks and support future decisions on taxation, licensing, THC caps or possession limits. The evaluation should allow for timely adjustments of emerging negative directions and should include systematic monitoring of prices and potency levels. Data will also inform targeted prevention campaigns, harm-reduction programs, and facilitate cross-canton comparisons.

To ensure the value and reliability of evaluations, the necessary data infrastructure must be established from the outset. This includes guaranteeing data privacy and security through strict anonymization and encryption protocols, as well as transparent rules governing data access and use. The evaluation should rely on clear, pre-defined performance indicators, include qualitative data and enable international comparisons. Mandating reporting guidelines (such as detailed data on legal sales of specific products) is considered both cost effective and an essential component. Some experts suggest that evaluations should be conducted by public observatories or researchers who are at least partially independent from both operators and government authorities. Finally, some experts suggest making data from the national electronic track-and-trace system publicly available for research purposes.

Evaluation frequency

Some experts recommend specifying the evaluation frequency, noting that a first assessment five years after implementation would be too late to gauge the legislation's early impact. According to them, an initial evaluation should be conducted within five years of implementation, followed by interim evaluations every three to five years. They also suggest having annual reports on the available data and a team of experts (independent from the data collection) to review the data and the literature and give recommendations to the government.

Key takeaways

- *Establishing a basic federal legislative framework, allowing cantonal and local authorities to introduce additional requirements or restrictions, provided these are not less stringent than federal standards and do not conflict with federal objectives.*
- *The technical definition of products included and excluded from the regulation should be clearly specified as to preclude any room for grey areas.*
- *Comprehensive restrictions on advertising, promotion, marketing, and sponsorship are key to protect public health.*
- *Conducting an initial evaluation within five years of implementation, followed by interim evaluations every three to five years.*
- *Evaluation should be conducted by public observatories or researchers who are at least partially independent from both operators and government authorities.*

The experts have mentioned some key elements that are worth considering when implementing the legal framework. Among those are the barrier or delay posed by the bureaucratic burden and the persistence of the illegal cannabis market, which hinders effective enforcement of the legislation. Community resistance towards the implementation of retail outlets might also occur. Besides, challenges may be related to advertising and sponsorship, such as enforcing regulations on online advertising or influencers, which may operate outside of Switzerland. Similarly, brand promotion may also persist despite the ban on product marketing. Another issue might be the absence of baseline data for monitoring and evaluation if the data infrastructure is established after the legislation is enacted. Finally, there is the risk of politicization of government evaluations.

3.2.2 Regulation of cannabis products

The second set of core elements falls within the scope of the Regulation on cannabis products. This includes: 5) *Classification of cannabis products and THC caps*; 6) *Product safety and packaging*. (Refer to the Annex). The classification of cannabis products and the proposed THC caps prompted several suggestions, especially regarding clearer definitions and adjustments to the current thresholds.

Classification of cannabis products and THC caps

Classification of cannabis products

Overall, some experts value the three-parts distinction between untransformed, transformed without additives and transformed with additives. They also welcome the classification of products based on mode of use. Such distinctions are seen as good for consumers and public health protection. Still, one expert apprehends that the defined categories are “fluid” and may “pose challenges for applicability and control”. Some experts also caution that the product classifications may not be sufficiently distinct to cover all types of processing methods. One expert recommends adopting the Canadian classification of cannabis products: 1. *Fresh or dry*. 2. *Extracts (for ingestion or inhalation)*. 3. *Edibles*.

THC caps

There is some disagreement among the experts concerning the setting of THC caps: some experts believe that the defined THC caps are reasonable. Indeed, they support limiting THC levels in view of the increasing potency of cannabis products and the evidence of an association between high-potency products and increased risk of psychotic disorders or cannabis use disorders. Yet some experts think that the cap of 60% for transformed products without additives may be too high. They propose setting a limit of 20% for all products except edibles; for edibles, an absolute weight limit of 100 mg of THC per package and 5 mg per serving could be imposed². Another expert holds the view that the THC caps risk causing serious, unintended public health consequences:

“When capping the amount of THC in, for example, a vape cartridge, the remainder of that vape cartridge will be filled with excipients and diluents (including PG) that have not been well tested for human health and safety in aerosol form. In fact, excipients and diluents for cannabis do not work the same as for nicotine. Even things that seem low risk from nicotine vapes can cause risk in cannabis vapes because cannabis is lipophilic (whereas nicotine is water soluble) and the ingredients work together differently, vaporize differently, and need different heats and materials to vaporize.”

Some experts conclude that if highly concentrated products are the concern, better policy approaches to address concentration than THC caps exist, such as serving size or purchase limit, specific warning labels, consumer education, etc. Indeed, unlike the well-established approaches for alcohol and tobacco, there is currently insufficient scientific evidence on effective harm-reduction practices for cannabis consumption. It is therefore possible that setting THC caps may not be an appropriate measure.

In line with this, one expert ponders that:

² Some experts recommend not using the median/mean THC-level of tested batches but the 25 and 75th percentile in order to better reflect THC fluctuations among sold products.

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“If the reasons to justify different THC caps for products is to discourage smoking, the assumption that smoking products (flowers) are more harmful than extracted products (resins, vaping liquids, etc.) does not appear to be supported by current evidence”.

Similarly, a 1% THC limit (to determine which products are or are not subject to inclusion in the regulation) is unsuitable for orally ingested products, for which THC content should be expressed in mg, rather than as a percentage. Indeed, while percentage-based measurements by dry weight are appropriate for dried flower, they become problematic for heavier products such as cookies, brownies, gummies, or concentrates. In such cases, products may contain several hundred milligrams of THC while still formally complying with percentage-based limits.

Product safety and packaging

Product safety

What is highly appreciated about this core element is the list of unauthorized additives, which includes substances such as nicotine, alcohol, and caffeine. Both artificial and natural sweeteners as well as flavours should be included among the prohibited additives. Such a ban would significantly reduce the products' appeal.

Notably, some experts warn that applying standards for edibles to smoking products may be questionable. Indeed, cannabis foods, beverages, and pills involve different regulatory considerations and should be treated separately. Some experts also suggest applying more stringent safety standards for smoking products. Yet, the LPCan foresees different approaches for different type of products. As mentioned above, the experts warn that the assumption that smoking products are more harmful than extracted products (resins, vaping liquids, etc.) warrants thorough reflection. Indeed, scientific evidence on effective harm-reduction practices for cannabis remains limited. Finally, one expert cautions that “beverages” is a growing category, and it requires precise regulatory oversight.

Packaging

All the experts agree on setting limit sales to consumers (either daily or monthly). This measure would be difficult to implement, as no registration system exists (only age and residency verification). Consequently, the only limit that can be effectively enforced within the system is a per-purchase limit. The limit of 5 gr of THC per unit (package) is generally seen as positive, although one expert believes it is too high. They suggest setting a limit of 1 gr THC per unit, as applied in Canada. One expert also suggests specifying whether the 5 gr of THC per unit limit applies to edibles, as this is currently unclear.

Uniform, neutral packaging is valued, as it aligns with efforts to create a non-commercialised market that prioritises consumer safety and public health. It also helps to protect children and adolescents by reducing appeal. The use of logos and colours should be strictly limited, and any promotional elements implying wellness or lifestyle enhancement should be prohibited.

Packaging should strengthen consumer control over THC content and have a clear ingredient labelling to educate consumers. THC/CBD content labelling must be easily understandable for consumers: some experts warn about the risk that percentage content may not be clearly understandable; they suggest listing the cannabinoids content in milligrams instead. They also recommend considering the labelling of all cannabinoids content down to a certain quantity. Further, they suggest specifying the source of terpenes in products, whether they are cannabis derived, from other natural sources or synthetic. Some experts suggest placing health warnings directly on product packages and considering the use of

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rotating warnings. Warning messages should explicitly address the carcinogenic effects of the products, as well as the potential cardiovascular and psychotic risks associated with consumption. One expert sustains that packaging should retain only essential information (e.g., THC/CBD content, health warnings) while excluding less critical messages (e.g., claims about the least harmful ways of consumption).

<i>Key takeaways</i>
<ul style="list-style-type: none">• <i>Considering different policy approaches to address concentration than THC caps.</i>• <i>Defining unauthorized additives increases product safety and reduce its appeal.</i>• <i>Uniform, neutral packaging aligns with the objective to create a non-commercialised market that prioritises consumer safety and public health.</i>• <i>Packaging should strengthen consumer control over THC content and have a clear ingredient labelling to educate consumers.</i>• <i>Listing the cannabinoids content in milligrams so that consumers can better understand it.</i>• <i>Scientific evidence on the most effective harm-reduction practices for cannabis remains limited.</i>

The experts have mentioned some key elements that are worth considering when implementing the legal framework. Among those is the risk that the industry may circumvent THC caps: this could increase competition from well-established illegal markets offering high-potency THC products or create opportunities for illicit high-potency markets to develop. Another issue concerns “*Who will do the testing? Who will test the testers? What will the penalties be for testers who purposely provide incorrect results?*”. These need to be carefully specified and regulated. There is also a risk that the industry may market unauthorized products (e.g., unsweetened THC beverages or cookies). Finally, limiting THC grams per unit set may hinder the transition from illegal to legal market for the very heavy consumers who like to buy in bulk.

3.2.3 Market regulations

The third set of core elements falls within the scope of the Market regulations. This includes: 7) *Cannabis cultivation and transformation*; 8) *Growing and possession for personal use*; 9) *Cannabis sales (brick-and-mortar)*; 10) *Cannabis sales (Online)*. (Refer to the Annex). Market regulation, including licensing and sales models, is viewed positively, although some experts highlighted the need for revisions and the adoption of important technical specifications.

Cannabis cultivation and transformation

Licensing

The fact that cannabis cultivation and transformation require a non-transferable license from the Swiss Federal Office of Public Health (SFOPH) is deemed a strength. This would enable market-stability through long-term compliance along with uniform quality standards across Switzerland. However, some experts ponder that a 10-years licence may be too long and: *“it could lead some to become bad actors”*. They recommend a licence of five years instead of 10. Some experts urge reflection on the fact that small business operators may face difficulties in competing and meeting compliance requirements: support for small operators is advised. One expert recommends introducing strict law enforcement in the first 10 years of implementation and strong penalties for irregularities, while implementing public supervision of professionalization and formalization of the industry. The high costs to regularly check licence compliance is considered a challenge.

Imports and exports

One expert invites to carefully gauge whether importing from countries for non-medical use could conflict with the UN conventions. Another one points out to the risk that medical cannabis could be imported and sold as non-medical. Second, some experts recommend specifying in the legislation whether imported products must have the same norms of those imposed to Swiss producers and manufacturers, along with specifying who will be in charge for testing products imported from third countries. Guaranteeing quality control for imported products is considered a challenge. Besides, one expert deems important defining measures related to exportation such as THC limits.

Growing and possession for personal use

Home growing

Some experts deem reasonable to allow people to have cannabis plants at home. Indeed, allowing small-scale home cultivation respects personal freedom and reduces dependence on commercial or illicit suppliers. Offering consumers the opportunity to produce their own supply is particularly relevant for lower-income consumers. Overall, all the experts advocate for ensuring that home growing remains personal and small-scale. Some experts appreciate the clarity of the illegality of synthetic and semi-synthetic THC production and the limit set to three plants, yet restrictions on the number of plants should be in place for all plants (not just flower plants).

Almost all the experts note that the amount of THC possession authorized in relation to home cultivation (75g) is considerable: *“Why allowing possession of so much THC from home-cultivation?”* although: *“too restrictive limits could be an encouragement to illicit markets”*. One expert raises concerns regarding the 30-gram limit per person: *“this high amount will make it easy for illegal trade to go by unpunished”*. Most

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low-level transactions will basically be legal if the police cannot prove any form of payment (could easily be done digitally)". To overcome challenges, one expert suggests the registration of home-grown plants (es. with plant tags). This would help government to track the volume of legal homegrown, and it would provide some protection for the home growers with law enforcement. Some experts suggest supplying low-cost THC tests for growers together with cultivation safety guidance.

Possession for personal use

Defining possession limits by THC content (rather than by weight) is welcomed, though almost all the experts note that: *"caution is needed in the translation of THC content into gr of flowers/resins: the conversion factor is determined by a lot of variables introducing legal uncertainties"*³. Finally, some experts question why possession limits in the public space are different for home growers and non-growers and they argue that this aspect would be difficult to be enforced.

Cannabis sales

The sales model

All the experts strongly support a sales model based on a federal government monopoly for online sales, combined with a cantonal-level monopoly for brick-and-mortar retails. They also support the non-profit nature of retail points, emphasizing that authorized organizations should have a clearly defined legal status as non-profit entities: *"leaving no room for interpretation"*. They also view positively the possibility of delegating the monopoly through a concession system.

All the experts suggest specifying the exact number of licenses to be granted for the initial five-year period, followed by a reassessment based on observed outcomes. Concession rules should be regularly updated. Still, concerns arise regarding the duration of licenses: while the regulatory framework allows licenses to be revoked, enforcement is costly, and in practice only random inspections are likely to ensure compliance over long license periods. Differences across cantons represent an additional challenge, as smaller cantons may face a risk of undersupply, potentially leading to unequal access across regions. Shared concessions can be a strategy to overcome inter-cantonal inequalities.

The lack of a total limit on the amount of cannabis that can be purchased is seen as a major limitation in the sales model: *"If there's no limit on the amount of cannabis that can be purchased, consumers who want large quantities of THC can simply buy more units of high-strength products"*. THC limits will encourage consumers to use lower-THC products. In line with this, some experts advise exploring the authorisation of structural cost reductions to reduce the risk that heavy consumers turn to the black market, thereby preserving public health benefits and access to harm-reduction messages.

Finally, some experts wonder why not allowing cannabis clubs: they consider it an alternative to the for-profit model that is worth considering. For example, the option of micro-social clubs could be an interesting option.

³ The LPCan foresees a conversion factor mainly to help the police to be able to assess if the possessed quantities are legal or not.

Sales points

Almost all the experts stress the importance of defining the number of authorized sales points, noting that this would depend on the policy objective. For instance, if the primary goal is to shift consumers away from the illegal market, a higher number of outlets may be justified, whereas a smaller number would be appropriate if the priority is the protection of public health and minors. Regarding this, they propose a maximum of two shops per 100,000 inhabitants as a starting point. At the same time, locations should be selected carefully to avoid excessive clustering, while still ensuring adequate access to legal products. Some experts suggest limiting points of sales to prevent the so-called “race to the bottom i.e., sellers do not feel pressured to undercut each other to attract buyers.

All the experts appreciate the requirement that stores operate as cannabis-only stores, as well as the obligation to offer low-potency products in all stores, supported by a precise definition of what qualifies as “low-potency”. They consider it important to specify in the legislation that selling pre-rolled cigarettes is prohibited.

All the experts advise to carefully reflect on which marketing approaches at the point of sale should be permitted or prohibited, as well as on what sales staff are allowed to communicate to customers. Specifically, some expert suggests keeping the staff training in harm-reduction light: “*I don't know if sales staff are the most important or reliable source of information about harms*”. Indeed, sales professionals are often not competent in public health and harm-reduction. Their messaging and advice may be inappropriate. An integrated approach involving the participation of socio-health professionals, or phytotherapists can be suitable.

Brick-and-mortar vs. online sales

Regarding the online sales model, some experts view such an approach positively, as it is based on centralized control, which helps prevent commercial exploitation and enables more equitable access, particularly for smaller or more restrictive cantons. To preserve both the monopoly and the non-profit structure, all the experts suggest harmonizing online prices with those of physical stores. Still, they invite reflection on several limitations. These include technical challenges related to online identity verification and delivery, as well as the fact that there is no effective way to protect a canton that chooses not to allow certain products from online availability. One expert expresses scepticism about the presence of online shops, arguing that “*brick-and-mortar retail outlets are more than sufficient*”. According to this view, one possible option would be to allow online sales only during the initial years and subsequently assess whether they are needed. Ultimately, what matters is the *delivery option*, rather than requiring consumers to travel to brick-and-mortar stores: if brick-and-mortar stores provided a delivery option (for instance, for customers unable to visit in person) there would be no need for online sales.

Key takeaways

- *The sales model based on a federal government monopoly for online sales, combined with a cantonal-level monopoly for brick-and-mortar retail, is viewed positively as is the non-profit nature of retail points.*
- *A licence of five years instead of 10 for cannabis cultivation and transformation is recommended.*
- *Ensuing that home-growing remains personal and small-scale.*
- *Consider allowing cannabis (micro) social clubs.*
- *Sales staff might neither be the most important nor the most reliable source for delivering harm-reduction messages.*
- *Brick-and mortal vs online sales: what matters is that the delivery option exists.*

The experts have mentioned some key elements that are worth considering when implementing the legal framework. Among these is the need for a commitment by the federal government to adjust sales practices with cantonal regulations. This would significantly enhance clarity and regulatory coherence. The risk of too many administrative hurdles in licensing or inspections may also occur. Another key element is that strong local prerogatives act as a guarantee for effective enforcement and broader social acceptance of market reforms. The same applies when revenues are reinvested at the local level. Finally, growing and possession for personal use potentially creates loopholes that can be exploited by illicit markets. Industry actors may also identify loopholes allowing them to bypass the non-profit requirement, thereby undermining the intended structure of the market.

3.2.4 Taxation and funding measures

The fourth set of questions posed to the experts falls within the scope of the Taxation and funding measures. It concerns: (11) *Taxation*; (12) *Funding and public health measures*. (Refer to the Annex). All the experts consider *Funding for public health measures* as a sound and appropriate principle. By contrast, the core elements related to *Taxation* raises limitations and risks identified by some experts, who consider the concept interesting but also vague and possibly overly ambitious.

Taxation

The incentive tax

All the experts regard the principle of an incentive tax as a particularly clever idea, especially when combined with revenue redistribution. It represents a good provision for public health. They trust that applying an incentive tax to make higher-risk products more expensive, creates a strong incentive for consumers to choose preferred alternatives. They also strongly support the requirement that revenues exceeding costs are allocated to public health–related measures under both sales models.

Nonetheless, almost all the experts raise concerns about the fact that the incentive tax depends on the mode of use, meaning that products intended for smoking are subject to a higher levy. When considering dried flowers, which can be either smoked or vaporised, the proposal may disincentivize consumers from vaporising products, when the goal should be to steer consumers toward safer behaviours. Some experts stress that there is yet no scientific basis to support the claim that products intended for smoking are more harmful than those intended for other forms of consumption. The experts agree that the primary risk factor associated with cannabis identified in the scientific literature at present is THC content, not the mode of consumption:

“Attempting to discourage smoking seems unnecessary and even counterproductive for health, as it shifts use from modes generally acknowledged as risky toward modes that many believe to be less risky without scientific evidence”.

Complex tax calibration

In line with this, the proposal raises questions about what exactly constitutes the appropriate tax rate to account for the harms associated with mode of use and THC concentration. Some experts see a limit in basing the incentive tax on THC percentage content solely, as this approach requires complex tax calibration. Using percentage limits alone carries the risk of inadvertently pushing consumers away from flowers toward highly concentrated vapes and dabs, which comply with even a 10% limit but contain hundreds of mg of THC. Further, the incentive tax based on percentage does not account for edibles and beverages. Some experts suggest setting goals with a percentage limit for flowers and a milligram limit for other products:

“If the retail system is not on track, this could lead to massive taxes on some products, most likely high-potency flower/resin. This can lead to edibles/vapes/tinctures etc. being taxed lower than e.g., flower with 12% THC because the latter is smoked. However, we do not have the evidence to favour edibles over flowers. Vaping low-potency flower is perhaps the most harm-reducing way to use cannabis.”

Funding and public health measures⁴

Some experts argue that the incentive tax system may not generate enough revenue to support effective enforcement of the law, as its implementation involves costly activities such as product testing, market monitoring, regulatory oversight, public health measures and efforts to combat illicit markets. Consequently, available funds may be insufficient to ensure full and effective implementation. Along with an incentive tax, some experts suggest considering the introduction of a minimum unit price, like alcohol laws, to ensure there is a floor price and so a floor tax for products. Besides, some experts advocate for strong enforcement of regulations in the first five years to remove “bad actors” quickly barred from the system. Further, some experts point out that to influence consumer behaviour, the scope of the tax must be clear at the point of sale. Therefore, it is important to define what types of activities may or may not be funded by revenue funds:

“We have seen some expenditures made through these funds that raised questions, such as support for breastfeeding or for the development of green spaces/play areas for children under the banner of health promotion. For many people, the connection with problems that may be associated with cannabis was not obvious, including among public health professionals involved in health promotion”

To end with, some experts invite reflection on the risk that this proposal could be circumvented by the industry or by illicit producers. Specifically, consideration is needed regarding how other (intoxicating) cannabinoids align with these objectives, and whether $\Delta 8$ -THC or other compounds could replace conventional THC to maintain high potency while still complying with regulations and benefit of lower taxes.

⁴ One expert recommends including information on a federal education initiative on cannabis, covering different products and THC levels, public awareness of associated health risks, and the dangers of driving while intoxicated.

Key takeaways

- *Support for an incentive tax.*
- *Reflecting on what exactly constitutes the appropriate tax rate to account for the harms associated with that mode of use and THC concentration.*
- *Placing the emphasis solely on THC percentage is risky, as this approach requires complex tax calibration.*
- *The primary risk factor associated with cannabis identified in the scientific literature at present is THC content, not the mode of consumption.*
- *Scientific evidence on the most effective harm-reduction practices for cannabis remains limited.*
- *To influence consumer behaviour, the scope of the tax must be clear at the point of sale.*

The experts have mentioned some key elements that are worth considering when implementing the legal framework. Among those is the fact that a tax on very high-THC products may not prevent lower-priced products from being sold if it is not strong enough to meaningfully alter the price structure of the different products. To effectively address this issue, the tax would need to be set at a very high level, which might not be accepted by Swiss authorities and consumers. Similarly, taxes incorporated into the wholesale price, or those that not clearly visible and communicated at the point of sale, may fail to influence consumer behaviour. Finally, there is also a risk to underestimate and underfinance the cost of enforcing regulations.

3.2.5 Sanctions

The last set of core elements falls within the scope of the Sanctions. This includes: 13) *Prohibited acts and sanctions*; 14) *Driving under the influence*. (Refer to the Annex).

Prohibited acts and sanctions

All the experts support the fact that selling cannabis illegally and supplying it to minors remain criminal offenses, although they note the need to specify sales limits (in terms of total THC or quantities). They also consider it important to clarify whether there are fines for selling to non-Swiss/non-residents and for minors possessing cannabis, underlining that such fines need to be high enough to act as deterrents. Strong sanctions should be instituted to overcome risk of smuggling from a legal Swiss resident and to discourage “pot tourism”, that require rigorous controls for overseeing compliance.

Driving under the influence

Some experts acknowledge that *Driving under the influence* constitutes a challenging area with few easy options. Some experts see: “no reason to change the zero-tolerance policy as currently in place”. Indeed, the zero-tolerance policy is consistent with road safety protection and with other drug policies. Such a policy will send a message that even though cannabis is now legal, it does not change its ability to impair while driving, and that: “taking substances before getting behind a wheel is dangerous”.

Still, one expert encourages reflection on the fact that zero tolerance is tough:

“If the limit of 1.5 µg/L can be reached through secondary exposure (saliva, second-hand smoke, etc.). If this is the case, people who have not consumed cannabis could be sanctioned, and lawyers would likely use this argument to defend their clients, thereby rendering the law ineffective”. Similarly, the zero-tolerance policy risks punishing non-impaired drivers (chronic or medical cannabis users).

Beyond this, some experts suggest reflecting on alternative approaches such as the use of Drug Recognition Experts at the roadside to determine impairment first, then to follow up with testing to detect the suspected substances. Similarly, some experts believe that a higher THC threshold coupled with proven impairment (e.g. on a standardized test) would be a more adequate alternative. Some experts also suggest considering exemptions or adjustments for medical cannabis patients and to develop more sensitive and rapid impairment tests.

<i>Key takeaways</i>
<ul style="list-style-type: none">• <i>Strong sanctions and rigorous controls should be instituted to overcome risk of smuggling and to discourage “pot tourism”.</i>• <i>Driving under the influence constitutes a challenging area with few easy options.</i>• <i>The risk of punishing non-impaired drivers such as chronic or medical cannabis users.</i>• <i>Reflecting on alternative approaches such as THC threshold coupled with proven impairment or the use of Drug Recognition Experts at the roadside to determine impairment first, then to follow up with testing to detect the suspected substances.</i>

4 Discussion and Conclusion

This report presents the results of a consultation with nine international experts conducted in occasion of the release of the preliminary draft of the LPCan. It outlines the experts' opinions on the core elements of the draft, including the advantages and potential risks associated with the provisions, as well as their suggestions and recommendations on which aspects should be retained or modified. The objective of the consultation was to support Swiss authorities in developing a regulatory model for cannabis that draws on both international best practices and lessons learned in other jurisdictions. The results of the experts' consultation are intended for policymakers and decision-makers and are expected to be used to support the work of the Confederation in relation to the adoption and possible implementation of the legislation.

This study and its methodology have different limitations. First building a cannabis legislation framework is particularly complex, as it intersects with multiple other laws that weren't part of the study. Second, the tight timeframe for completing the mandate allowed only a limited level of in-depth analysis of the topic. A more extensive exploration, including the collection of expert views through interviews, would have been valuable. In addition, for practical reasons related to time constraints and language barriers, most of the experts were unable to access the full version of the draft legislation and were instead provided with an English-language summary of the core elements prepared by the authors. This limited the scope for in-depth assessment, judgement, and critical analysis. Finally, while the experts involved are highly qualified, arguably among the leading specialists in the field, they do not reside in Switzerland and are therefore not fully familiar with the Swiss institutional and legal system.

The preliminary draft of the LPCan has been received positively by all the international experts. At this stage, the draft is regarded as a thoughtful and well-designed proposal that addresses issues *“that previous jurisdictions worldwide failed to consider”*.

The experts consider it appropriate to maintain the classification of cannabis as a narcotic and to adopt a regulatory model based on a federal government monopoly with a strong public health focus, implemented with delegated responsibilities at the cantonal level. This model would be supported by robust federal regulation, leaving limited discretion in the design and modification of market rules. All experts recommend establishing a legislative framework that allows cantonal and local authorities to introduce additional requirements or restrictions, provided these are at least as stringent as federal standards and do not conflict with overarching objectives. The experts welcome a model in which the monopoly is delegated through a concession and licensing system covering cultivation and sales. Licenses should be subject to regular review, and sales points should operate strictly on a legally registered non-profit basis (with clearly defined non-profit objectives to be pursued). The number of sales points should be aligned with policy objectives, and attention should be given to the coordination between online sales and brick-and-mortar sales models, given their differing implications for control, access, and public health outcomes.

The proposal must regulate intoxicating cannabinoids other than $\Delta 9$ -THC; still, the technical definition of intermediate and final products, of which cannabinoids and additives are included and excluded from the regulation should be clearly specified to preclude any room for grey areas and regulatory loopholes. Attention should also be given to the classification of products based on modes of use, to ensure that all product types and processing methods are adequately covered. In this context, reflection should be taken when setting THC caps for different types of products. This should be done while recognising that current scientific evidence on effective harm-reduction practices for cannabis use remains limited and that further applied research is needed. Limits per unit package sold should be established (possibly 1 gr THC per unit), and sales should happen in uniform, neutral packaging featuring clear ingredient labelling and appropriate health warning messages. The experts express support for allowing strictly

limited home cultivation for personal use. Some also view the establishment of cannabis social clubs favourably. Comprehensive restrictions on advertising, promotion and marketing are viewed as key to protect public health as well as strict controls on age and residency restrictions. A monitoring system to perform evaluations by public independent research authorities to evaluate the legislation impact on consumption behaviours conducted within five years is advised.

The principle of an incentive-based tax designed to reduce cannabis-related harms by increasing prices according to potential risks is viewed as a clever and promising approach, as is the reinvestment of revenues in clearly defined, ex-ante public health measures. Still, the experts emphasise that calibrating the tax to adequately reflect the harms associated with product concentration and modes of use is highly complex. Careful consideration should therefore be given to what constitutes an appropriate tax rate that accounts for the harms associated with to different methods of consumption.

All necessary measures to ensure compliance with the rules and to prevent infringements, including fines and other deterrent sanctions, must be put in place. Key challenges include ensuring sufficient law-enforcement resources to achieve a high level of compliance, reducing operators' incentives to circumvent the legal framework, and closely monitoring market impacts in both the short and long term.

Building a new regulatory framework for cannabis in Switzerland should be informed by evidence of both successful and unsuccessful experiences in countries that have previously experimented with legalization. This way a sounder, more effective and successful framework could potentially be shaped. However, when doing this, geographic context and regional dynamics must be carefully considered; indeed, policies that have proven effective in countries with very different conditions, such as Canada, may not be readily transferable to Switzerland. At the same time, there are innovative policy approaches, or combinations of approaches, that no jurisdiction with legalization has yet implemented and that are be worth considering.

More to the point, it is relevant to carefully ponder whether all the provisions outlined in the regulatory framework will be able to be implemented in the Country, and how easily the regulators will manage to adjust and adapt as an entirely new legal marketplace emerges. Indeed, the experience indicates that receptive and supportive regulators are key to guarantee successful implementation. Similarly, ensuring clear, shared alignment on the objectives and guiding principles of the legalization effort would enhance successful implementation. Here, it is important that stakeholders share a clear understanding of the mission behind legalisation and its core objectives. Establishing consensus around the mission and core goals will strengthen the ability to withstand influence or pressure from special interests on both sides of the issue, which competent authorities, public health experts, suppliers and consumers. Finally, it is imperative to find an appropriate balance in policy and regulation, one that would allow the industry to operate under clear limitations that protect public health, while ensuring that the legalisation and public health measures remain realistic and do not result in a return to prohibition.

The preliminary draft of the LPCan represents an interesting proposition, that is meaningful to introduce, particularly noting that it could potentially offer a politically viable legal supply model capable of effectively containing harms. To end, while the draft is promising, in its current form it can benefit from further refinement to preclude any room for grey areas, tax or regulatory loopholes.

Annex

This annex consists of the English-translated summary of the 14 core elements of the draft that were provided to the experts. The experts were asked to review each core element separately; to indicate the advantages and risks they associate with the element, and their recommendations for retaining or modifying it. References to the relevant articles of the preliminary draft are included for further reading.

<p>1. Type and scope</p> <p>Cannabis remains a "narcotic drug". Its use, possession, cultivation, importation, transformation and sale (Art. 2) are however removed from the narcotics act (Art. 3) and regulated by this new draft legislation for cannabis products (LPCan). Under this new legislation, all (agricultural or transformed) products containing 1% or more THC (natural or synthetic), or those containing "THC-like substances" (e.g., delta-8, HHC), are regulated. Other cannabis products (CBD cannabis with THC≤1% or industrial hemp) are not included in the regulation. Synthetic cannabinoids (SCRAs) remain prohibited under the narcotics act. Medical prescriptions and scientific trials with cannabis products (THC≥1%) also remain regulated under the narcotics act (Art. 5 and 6).</p>
<p>2. General set-up</p> <p>Many aspects of cannabis market regulation (salespoints, packaging, quality, etc.) are described in detail in the draft legislation and only few regulatory elements are left for decision to local governments and administrations. There will be limited room for manoeuvre for designing and changing the market rules in their jurisdictions. Changing federal laws is also a complex and lengthy process, potentially subject to a referendum and a vote by the population.</p>
<p>3. Regulation</p> <p>Cannabis can be sold only to adults (18+) who are Swiss or hold a residence permit in Switzerland. An ID or residence permit will be necessary for each purchase (Art. 42). All forms of advertising and sponsoring are prohibited. Promotion or gifts are also prohibited within the licensed supply and sales system (Art. 11). Vertical integration is not allowed: holders of cultivation or transformation licenses are not allowed to participate in sales, and vice versa (Art. 9). A mandatory national electronic track and trace system will be used through the whole supply chain from seed to sale/destruction (Art. 85).</p>
<p>4. Monitoring and evaluation</p> <p>A monitoring system covering indicators about the implementation of the legislation, cannabis use, cannabis-related knowledge, illegal markets, disorders and treatment, accidents and law enforcement, must be established by the federal government. Cantons must provide data to the system. A first evaluation of the impact of the legislation by the SFOPH is planned within five years and then should be continued on a regular basis (Art. 68 and 69).</p>
<p>5. Classification of cannabis products and THC caps</p>

Cannabis products are classified into three categories: untransformed (flowers), transformed without additives (e.g., resin) and transformed with additives (e.g., e-liquids with PG). The legislation sets a THC cap of 20% for untransformed and of 60% for transformed products without additives. THC limitations (per unit or by volume) for products with additives will be set by executive orders at a later point; such products also need to be registered at least 6-months before going on sale (Art. 20 and 21). The legislation classifies products into seven categories based on mode of use: smoked (flowers, cigarettes), inhaled (e-liquids), swallowed (food, beverages, pills), applied in the mouth (gums, sprays), applied on the skin (lotions, ointment), inhaled/sniffed through the nose (powder, sprays) and "new products", which includes all products that do not fit within the other types. Product categorisation serves to define specific requirements (safety standards, dosages) for each type of products (Art. 5).

6. Product safety and packaging

Cannabis products are subject to quality requirements including maximum levels or absence of contaminants (microbial, metals, toxins, solvents, etc.), types, purity and levels of additives. A list of unauthorized additives (nicotine, alcohol, caffeine, taurine, vitamins, minerals, sugar, sweeteners, food colourings, etc.) is provided (Art. 19 and Art. 21 to 26). Packaging must be uniform, sealed, and neutral. A limit of 5 grams of THC per unit is set. Products that can be swallowed must have a childproofed packaging (Art. 27). Each cannabis package must have a set of items (manufacturer's name, least harmful way of using it, THC/CBD content in percentages or volume, list of additives, batch number, expiration date, helpline, mention that it cannot be given to minors, etc.). No other information from producers is allowed. A paper or electronic leaflet must provide additional information (dosage and storage recommendations, information on effects and toxicity, warnings about the use in combination with other substances, etc.). A list of predefined warning messages (e.g., "the use of this product can lead to an addiction"; "this product must be stored away from children"; "this product should not be used by pregnant or breastfeeding women") must also appear on each package. Smokable products' and edibles' packages must show additional warning messages such as "Smoking is the most harmful way to use cannabis" and "The delayed effects of this product can increase the risk of overdosing" (Art. 28 to 31).

7. Cannabis cultivation and transformation

Cannabis cultivation and transformation require a license from the Swiss Federal Office of Public Health (SFOPH) based on a set of requirements (quality assurance, infrastructure, security). The licence is valid for 10 years (renewable); it cannot be transferred but it can be revoked or changed in its content by the SFOPH in case of irregularities (Art. 15, 17, 18). Suppliers are responsible for quality control, but their products must also undergo inspections by the cantons, which have the authority to order product recalls (Art. 37). Importation of cannabis from other countries where exportation is legal requires an authorisation from the Swiss Agency for Therapeutic Products and it falls under the supervision of the national customs and border authority (Art. 58 to 61).

8. Growing and possession for personal use

Adults are permitted to possess up to three flowering female plants for personal use, either inside their home or in its immediate surroundings. Possession by home growers should not exceed 75 grams of THC in total, which translates in the draft legislation into 2.5 kilograms fresh flowers, 500 grams dried flowers, 300 grams resin or 100 grams cannabis extracts. Collective growing (social clubs) is not foreseen. The production of synthetic and semi-synthetic THC for personal use is forbidden (Art. 12 to 14). Possession for personal use in public spaces should not exceed the

equivalent of 5 grams of THC. For home growers the quantities possession for personal use in public space is limited to 30 grams flowers or 15 grams resin/extracts (Art. 7). These are also the maximum quantities individuals can share/give for free to other adults (Art. 8).

9. Cannabis sales (brick-and-mortar)

Cantons have a monopoly for cannabis sales on their territory. They can transfer their right to sell cannabis to public (e.g., cities) or private entities (e.g., companies, NGOs) through licences (concessions). A licence is valid for 10 years (renewable), it cannot be transferred but it can be revoked or changed in its content by the cantons in case of irregularities (Art. 39 to 41). The legislation allows cantons to perform mystery purchases to oversee compliance (Art. 46). Commercial sales must be conducted on a not-for-profit basis, and any revenues exceeding costs (including usual salaries, capital interests, and other costs) must be used by the concessionaire for health-related measures in line with the cantonal addiction strategy (Art. 40). The sales points should be limited in number, located away from schools, and sales be prohibited between 10:00 p.m. and 6:00 a.m. (Art. 30, 40 and 44). They must also have appropriate security measures and staff trained in harm-reduction, early detection, and related themes. They can only sell cannabis products, seeds, and cuttings, and no other products (e.g., alcohol, tobacco) or accessories (e.g., rolling papers, grinders), except when intended for harm-reduction purposes. They must offer non-smokable and low-THC cannabis products, and all products must be sold in their original packaging (Art. 42). Adjacent consumption rooms can be allowed but have specific requirements (e.g., legislation on passive smoking, no alcohol allowed) (Art. 43).

10. Cannabis sales (online)

The federal government holds a monopoly on online cannabis sales, which it may choose to exercise or not. If it does, it may transfer this right of selling cannabis to a private entity (e.g., company or NGO) through a concession. The rules to be applied are the same as those for cantonal brick-and-mortar sales concessions (not-for-profit, type of products allowed, ID check, etc.). The revenues exceeding costs of the federal online concession are to be reinvested in health-related measures in accordance with the national addiction strategy (Art. 48 to 50).

11. Taxation

There will be no excise (or other specific) standard tax for cannabis products as this would require a change of the Swiss constitution which has to be approved by a popular vote. The legislation instead introduces an "incentive tax" designed to reduce cannabis-related harms by increasing prices according to potential risks. Two factors are considered: (a) the mode of use (e.g., smokable products are subject to a higher levy) and (b) THC levels/quantities (the higher the THC, the higher the tax). The exact tax rates (percentages or amounts) will be determined by executive orders and may be adjusted based on data from the track-and-trace system. Such an "incentive tax" legally requires the government to set specific objectives to be achieved through its intervention into pricing. These goals are: 1. Smokable products should represent less than 50% of all products sold after 10 years and less than 20% after 25 years; 2. Products with less than 10% of THC should represent at least 30% of all products without additives sold after 10 years and 50% after 25 years; 3. Total amount of THC sold after 10 years should not exceed by more than 10% the average yearly quantities measured between the years 5-9. The revenue from the tax will be redistributed to the population (same as the Swiss CO2 tax) through the mandatory health insurance. The SFOPH can use part of the revenue of the "incentive tax" to cover the costs of its regulatory tasks, including cannabis monitoring and the evaluation of the legislation (Art. 62 and 65).

12. Funding and public health measures

The cantons and the federal State can charge fees to the holders of the licensed system for licensing and control purposes. These fees should cover their expenditures but can also fund some health-related measures. As mentioned above, the "incentive tax" could finance some of the control, monitoring and evaluation activities at the national level, while the not-for-profit sales model should provide funds for health-related measures at the cantonal level (brick-and-mortar sales) and at the federal level (online sales) (Art. 66 and 67).

13. Prohibited acts and sanctions

Producing or selling cannabis illegally, or supplying it to minors, remain criminal offenses punishable by imprisonment and/or a fine. Engaging in these activities professionally or as part of a criminal organization results in harsher penalties. Within the licensed system, not applying the requirements and regulations for cannabis products or for cannabis salespoints can be punished by a prison sentence and/or a fine. Requesting a license with false information, not informing about substantial changes linked to the use of the license, hindering controls, violating the requirements of the track and trace system, advertising THC cannabis products, not applying or paying taxes, violating the regulations for importing or exporting cannabis, are all sanctioned with a fine (and the possible/probable removal of the license) (Art. 78). At consumer level, exceeding the permitted quantities for possession, giving away for free or home cultivation, or producing semi-synthetic or synthetic THC for personal use is punishable by an administrative fine (if quantities are reasonable: e.g., 4-10 flowering plants) (Art. 73 and 74).

14. Driving under the influence

The current zero tolerance policy will not be changed as no acceptable alternative has been found. Being tested positive with THC in the blood (1.5 mcg/l) while driving will remain a serious offence under the Road Safety Act. It will lead to a heavy fine and a possible prison sentence, as well as a temporary removal of the driver's license. In case of a road traffic accident with THC in the blood, private insurers can refuse to pay for material damages and human harms.