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Federal Act on Narcotics and Psychotropic Substances (Narcotics Act, NarcA)¹

of 3 October 1951 (Status as of 15 May 2021)

*The Federal Assembly of the Swiss Confederation,
on the basis of Articles 118 and 123 of the Federal Constitution^{2,3}
and having considered the Federal Council Dispatch dated 9 April 1951⁴,
decrees:*

Chapter 1⁵ General Provisions

Art. 1⁶ Aim

This Act is intended to:

- a. prevent the unauthorised consumption of narcotics and psychotropic substances, in particular by encouraging abstinence;
- b. regulate the availability of narcotics and psychotropic substances for medical and scientific purposes;
- c. protect persons against the negative health-related and social consequences of mental and behavioural disorders associated with dependence;
- d. protect public order, safety and security the risks posed by narcotics and psychotropic substances;
- e. combat criminal acts closely connected with narcotics and psychotropic substances.

AS 1952 241

¹ Title amended by No I of the FA of 24 March 1995, in force since 1 July 1996 (AS 1996 1677; BBl 1994 III 1273).

² SR 101

³ Amended by No 7 of the FA of 19 March 2010 on the implementation of Council Framework Decision 2008/977/JI on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters, in force since 1 Dec. 2010 (AS 2010 3387; BBl 2009 6749).

⁴ BBl 1951 I 829

⁵ Structure of enactment and the numbering of the introductory articles and sections in accordance with No I of the FA of 20 March 1975, in force since 1 Aug. 1975 (AS 1975 1220; BBl 1973 I 1348).

⁶ Amended by No I of the FA of 20 March 2008, in force since 1 July 2011 (AS 2009 2623, 2011 2559; BBl 2006 8573 8645).

Art. 1a⁷ Four-pillar policy

¹ The Confederation and the cantons shall introduce measures in the following four areas (the four-pillar policy):

- a. prevention;
- b. therapy and reintegration;
- c. harm reduction and survival support;
- d. control and law enforcement.

² In doing so, the Confederation and the cantons shall take account of the concerns of protecting public health and minors.

Art. 1b⁸ Relationship with the Therapeutic Products Act

Narcotics used as therapeutic substances are governed by the provisions of the Therapeutic Products Act of 15 December 2000⁹. The provisions of this Act apply, insofar as the Therapeutic Products Act contains no rule or a less stringent rule.

Art. 2¹⁰ Definitions

In this Act:

- a. *narcotics* means substances and preparations that cause dependence that have the effects associated with morphine, cocaine or cannabis, and substances and preparations produced on their basis of or that have a similar effect to the same;
- b. *psychotropic substances* means substances and preparations that cause dependence that contain amphetamines, barbiturates, benzodiazepines or hallucinogens such as lysergide or mescaline or that have a similar effect to the same;
- c. *substances* means raw materials such as plants or fungi or parts thereof, and chemically produced compounds;
- d. *preparations* means ready-to-use narcotics and psychotropic substances;
- e. *precursors* means substances that do not cause dependence, but which may be transformed into narcotics or psychotropic substances;
- f. *auxiliary chemicals* means substances that assist in the production of narcotics and psychotropic substances.

⁷ Inserted by No I of the FA of 20 March 2008, in force since 1 July 2011 (AS 2009 2623, 2011 2559; BBl 2006 8573 8645).

⁸ Inserted by No I of the FA of 20 March 2008, in force since 1 July 2011 (AS 2009 2623, 2011 2559; BBl 2006 8573 8645).

⁹ SR 812.21

¹⁰ Amended by No I of the FA of 20 March 2008, in force since 1 July 2011 (AS 2009 2623, 2011 2559; BBl 2006 8573 8645).

Art. 2a¹¹ List

The Federal Department of Home Affairs shall maintain a list of narcotics, psychotropic substances precursors and auxiliary chemicals. It shall generally base this list on the recommendations of the relevant international organisations.

Art. 2b¹² Rule for psychotropic substances

Unless this Act provides otherwise, the provisions on narcotics also apply to psychotropic substances.

Art. 3 Simplified control measures¹³

¹ The Federal Council may make precursors and auxiliary chemicals subject to the narcotics controls set out in Chapters 2 and 3. It may require a licence or other less stringent monitoring measures, such as customer identification, accounting obligations and duties to provide information. In doing so, it shall generally follow the recommendations of the relevant international organisations.¹⁴

² The Federal Council may partially or - in certain concentrations or quantities - entirely exempt narcotics from the control measures if the relevant international organisations (United Nations, World Health Organisation) decide on or recommend the exemption based on an agreement ratified by Switzerland.¹⁵

³ ...¹⁶

⁴ When implementing paragraph 1, in particular for duties to provide information or advice, the Federal Council may call on the assistance of private organisations.¹⁷

Art. 3a¹⁸

¹¹ Inserted by No I of the FA of 20 March 2008, in force since 1 July 2011 (AS **2009** 2623, **2011** 2559; BBl **2006** 8573 8645).

¹² Inserted by No I of the FA of 20 March 2008, in force since 1 July 2011 (AS **2009** 2623, **2011** 2559; BBl **2006** 8573 8645).

¹³ Inserted by No I of the FA of 20 March 2008, in force since 1 July 2011 (AS **2009** 2623, **2011** 2559; BBl **2006** 8573 8645).

¹⁴ Amended by No I of the FA of 20 March 2008, in force since 1 July 2011 (AS **2009** 2623, **2011** 2559; BBl **2006** 8573 8645).

¹⁵ Amended by No I of the FA of 20 March 1975, in force since 1 Aug. 1975 (AS **1975** 1220; BBl **1973** I 1348).

¹⁶ Inserted by No I of the FA of 18 Dec. 1968 (AS **1970** 9; BBl **1968** I 737). Repealed by No I of the FA of 20 March 2008, with effect from 1 July 2011 (AS **2009** 2623, **2011** 2559; BBl **2006** 8573 8645).

¹⁷ Inserted by No I of the FA of 24 March 1995, in force since 1 July 1996 (AS **1996** 1677; BBl **1994** III 1273).

¹⁸ Inserted by No I of the FA of 24 March 1995 (AS **1996** 1677; BBl **1994** III 1273). Repealed by No I of the FA of 20 March 2008, with effect from 1 July 2011 (AS **2009** 2623, **2011** 2559; BBl **2006** 8573 8645).

Chapter 1a¹⁹ Prevention, Therapy and Harm Reduction

Section 1 Prevention

Art. 3b Division of tasks between Confederation and cantons

¹ The cantons shall promote education and advice on the prevention of disorders associated with addiction and their negative health-related and social consequences. In doing so, they shall pay special attention to the protection of children and adolescents. They shall introduce adequate general conditions and create the required facilities or support private institutions that meet the quality requirements.

² The Confederation shall conduct national programmes on prevention and in particular encourage the early recognition of disorders associated with addiction; in doing so, it shall prioritise the concerns relating to the protection of children and adolescents. It shall raise public awareness of the problems of addiction.

Art. 3c Power to report

¹ Public offices and specialists in the education, social work, health, justice and police sectors may report cases of existent or anticipated disorders associated with addiction, in particular in cases involving children and adolescents, to the relevant treatment or social assistance agencies, if:

- a. they have identified the same in the course of their official or professional activities;
- b. the persons concerned, their dependants or the general public are placed at risk; and
- c. they regard a supervision measure as appropriate.

² If a report relates to a child or an adolescent under 18, his or her legal representative must also be informed, unless there is good cause for not doing so.

³ The cantons shall designate professionally qualified public or private treatment or social assistance agencies that are responsible for supervising reported persons, in particular children or adolescents at risk.

⁴ The staff of the relevant treatment or social assistance agencies are subject to official and professional secrecy in accordance with Articles 320 and 321 of the Criminal Code^{20,21}

⁵ Public offices and specialists under paragraph 1 who learn that a person under their supervision has breached Article 19a are not obliged to file a criminal complaint.

¹⁹ Inserted by No I of the FA of 20 March 2008, in force since 1 July 2011 (AS 2009 2623, 2011 2559; BBl 2006 8573 8645).

²⁰ SR 311.0

²¹ Corrected by the Drafting Committee on 20 Feb. 2013, published on 4 April 2013 (AS 2013 973).

Section 2 Therapy and Reintegration

Art. 3^d Supervision and treatment

¹ The cantons shall ensure the supervision of persons with disorders associated with addiction who require the medical or psycho-social treatment or welfare measures.

² The treatment is carried out with the aim of guaranteeing the therapeutic and social integration von persons with disorders associated with addiction, improving their physical and psychological health and creating conditions in which they can live a drug-free life.

³ The cantons shall also support the professional and social reintegration of such persons.

⁴ They shall create the facilities required for treatment and the reintegration or support private institutions that meet the quality requirements.

⁵ The Federal Council shall issue recommendations on the principles for funding addiction therapies and reintegration measures.

Art. 3^{e22} Narcotics-based treatment

¹ A licence is required for prescribing, dispensing and administering narcotics in order to treat persons dependent on narcotics. The licence is issued by the cantons.

² The Federal Council may lay down general conditions.

³ Heroin-based treatment requires a federal licence. The Federal Council shall issue special provisions. It shall in particular ensure that:

- a. heroin is only prescribed to persons dependent on narcotics who have failed to respond to other forms of treatment or whose state of health precludes other forms of treatment;
- b. heroin is only prescribed by specialist physicians in appropriate facilities;
- c. the conduct of and progress with heroin-based treatment is reviewed periodically.

Art. 3^{f23} Data processing

¹ The authorities and institutions responsible for the implementation of this Act are entitled to process personal data, and in particular sensitive personal data and personality profiles in order to review the requirements for and the progress with the treatment of persons dependent on narcotics.

² They shall guarantee the protection of data in accordance with paragraph 1 through technical and organisational measures.

²² In force since 1 Jan. 2010.

²³ In force since 1 Jan. 2010.