

Life Science Law Update

walderwyss attorneys at law



We are pleased to send you our latest Life Science Law Update. This newsletter provides monthly news about new laws, decisions and publications related to Life Science Law in Switzerland and in other jurisdictions.

We wish you a pleasant reading.

New Law

Popular initiative „Supporting organ donation – saving lives“

The Federal Council supports the proposal of the initiative to allow organs to be removed from a deceased person if he or she did not oppose this during his or her lifetime in principle, but will suggest introducing certain measures in order to safeguard the rights of the relatives.

For further information, see: [here](#).

Federal Council intends to improve access to psychotherapy

In order to facilitate access to psychotherapeutic services and ensure adequate care, the Federal Council proposes to allow psychotherapists to provide their services independently within the framework of compulsory health care insurance if ordered by a doctor.

For further information, see: [here](#).

New Law

New analyses covered by compulsory health care insurance

The FDHA decided that measures to preserve the fertility of people suffering from cancer and examinations of cerebrospinal fluid will be covered by compulsory health insurance.

For further information, see: [here](#).

Consultation on direct medical prescriptions for cannabis-based treatments

A draft amendment to the Narcotics Act proposed by the Federal Council provides that patients can obtain direct medical prescriptions for cannabis-based treatments with a THC content of more than 1% without having to obtain an exceptional license from the FOPH.

For further information, see: [here](#).

Decisions

Federal Supreme Court, Decision 9C_324/2018 of 29 May 2019

Although certain provisions of health insurance law are based on patent protection, the Health Insurance Ordinance does not specify pricing-rules for generics at only partial loss of original's exclusivity. Without such specification, the general rule applies that the (whole) sales-volume of the original defines the price-delta.

For further information, see: [here](#).

Federal Administrative Court, Decision C-2161/2017 of 6 June 2019

A marketing authorization holder of medicines has no legal interest in participating as a party in a Health Technology Assessment (HTA) procedure of the FOPH.

For further information, see: [here](#).

Federal Supreme Court, Decision 2C_718/2018 of 27 May 2019

The provision of the Tobacco Ordinance prohibiting tobacco products for oral use, such as Snus, has no legal basis in the Swiss Foodstuffs Act.

For further information, see: [here](#).

Publications

Das Recht der Fortpflanzungsmedizin in der Schweiz

by Andrea Büchler

in: Schweizerische Juristen-Zeitung (SJZ) 115/2019, pp. 375 et seq.

Die Stellung der Neuropsychologie im Rahmen der polydisziplinären medizinischen Begutachtung

by Jean Baptiste Huber

in: Haftung und Versicherung (HAVE) 2019, pp. 200 et seq.

Publications

Mehr Transparenz bei der Swissmedic, Die neue Veröffentlichungspraxis im Arzneimittelrecht

by Celine Weber

in: Life Science Recht (LSR) 2019, pp. 199 et seq.

Questions?

Our [Life Science Law experts](#) will be happy to answer any questions you may have regarding the content of this e-mail at any time.