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**POLITICAL PROCESS IN SWISS  
DIRECT DEMOCRACY**

**POPULAR INITIATIVE ON  
SECURITY OF MEDICAL SUPPLY**

**SEMINAR HEALTH AND SOCIAL  
POLICY**

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# 1. LIFE CYCLE OF A POLULAR INITIATIVE

1. **Individuals, interest groups or political parties** identify a problem and take political action
2. **Drafting of a popular initiative**
3. Establishment of an **initiative committee**
4. **Preliminary examination** of the initiative by the Federal Chancellery
5. **Collection of signatures** (100'000 in 18 months)
6. **Submission of the initiative** to the Federal Chancellery and decision if the initiative is successful
7. Formal and substantive **review of the initiative** by the Federal Council
8. Possible drafting of a direct or indirect **counterproposal** by the Federal Council with consultation procedure
9. **Debate and decision by the Federal Assembly** on
  - the validity of the initiative
  - voting recommendation
  - possible counter-proposal
- 10, **Vote of the People and the Cantons** on the initiative and counter-proposal (with key question)

## 2. INITIATIVE

### Art. 117c Security of medical supply

<sup>1</sup> The **Confederation** shall create the necessary **framework to prevent shortages** of essential therapeutic products and other **essential medical goods**. To this end, it shall take measures to:

- a. promote the **research, development and manufacture** of essential therapeutic products in Switzerland and ensure that patients have **rapid access** to such products;
- b. ensure that **sufficient stocks** of essential therapeutic products and other essential medical goods, as well as their high-quality raw materials, are maintained and managed by the companies commissioned to do so in return for **appropriate remuneration**;
- c. ensure reliable **supply chains** for essential therapeutic products and other essential medical goods in cooperation with other countries;
- d. ensure the orderly and sustainable **distribution** of essential therapeutic products in all regions of the country;
- e. ensure the decentralized **dispensing** of therapeutic products, including professional advice and care.

<sup>2</sup> In order to achieve the objectives set out in paragraph 1, the **Confederation and its organizations shall not act as suppliers** of goods or services, except in emergencies where the economy is unable to supply essential therapeutic products and other essential medical goods itself.

### 3. COUNTER-PROJECT

#### Art. 117c Supply of essential medical goods

- <sup>1</sup> The **Confederation** and the **cantons** shall, within the scope of their responsibilities, endeavour to ensure the supply of essential medical goods.
- <sup>2</sup> The Confederation shall **monitor** the supply of such goods.
- <sup>3</sup> It may, where necessary, take measures to **ensure the supply** of such goods. In particular, it may promote the supply of such goods by means of **economic incentives** and **procure, manufacture** or **have manufactured** such goods.
- <sup>4</sup> It shall endeavour to ensure the supply of such goods within the framework of its **foreign policy relations**.

## 4. DISTRIBUTION OF POWERS

### Art. 3 Cst. Cantons

The **Cantons are sovereign** except to the extent that their sovereignty is **limited by the Federal Constitution**. They exercise all rights that are not vested in the Confederation.

### Art. 42 Cst. Duties of the Confederation

The Confederation **shall fulfil the duties** that are **assigned to it by Federal Constitution**.

### Art. 43 Cst. Duties of the Cantons

The Cantons **decide on the duties** that they must fulfil **within the scope of their powers**.

## 5. POPULAR INITIATIVES

### Art. 139 Cst. Popular initiative requesting a partial revision of the Federal Constitution in specific terms

<sup>1</sup> Any **100,000 persons eligible to vote** may **within 18 months** of the official publication of their initiative request a partial revision of the Federal Constitution.

<sup>2</sup> A popular initiative for the partial revision of the Federal Constitution may take the form of a **general proposal** or of a **specific draft** of the provisions proposed.

<sup>3</sup> If the initiative fails to comply with the requirements of **consistency of form**, and of **subject matter**, or if it infringes **mandatory provisions of international law**, the Federal Assembly shall declare it to be invalid in whole or in part.

<sup>4</sup> If the Federal Assembly is in agreement with an initiative in the form of a **general proposal**, it shall draft the partial revision on the basis of the initiative and submit it to the vote of the People and the Cantons. If the Federal Assembly rejects the initiative, it shall submit it to a vote of the People; the People shall decide whether the initiative should be adopted. If they vote in favour, the Federal Assembly shall draft the corresponding bill.

<sup>5</sup> An initiative in the form of a **specific draft** shall be **submitted to the vote** of the People and the Cantons. The Federal Assembly shall **recommend** whether the initiative should be adopted or rejected. It may submit a **counter-proposal** to the initiative.

## 5. POPULAR INITIATIVES

### Art. 139b Cst. Procedure applicable to an initiative and counter-proposal

- <sup>1</sup> The People vote on the **initiative** and the **counter-proposal** at the same time.
- <sup>2</sup> The People may **vote in favour of both proposals**. In response to the **third question**, they may indicate the proposal that they prefer if both are accepted.
- <sup>3</sup> If in response to the third question one proposal to amend the Constitution receives **more votes from the People** and the other **more votes from the Cantons**, the proposal that comes into force is that which achieves the higher sum if the percentage of votes of the People and the percentage of votes of the Cantons **in the third question** are added together.

## 6. SECURITY OF MEDICAL SUPPLY: CURRENT LAW

### Art. 102 Cst. National economic supply

<sup>1</sup> The Confederation shall ensure that the country is supplied with **essential goods and services** in the event of the threat of **politico-military strife or war**, or of **severe shortages** that the economy cannot by itself counteract. It shall take precautionary measures to address these matters.

<sup>2</sup> In exercising its powers under this Article, it may if necessary depart from the principle of economic freedom.

### Art. 118 Cst. Health protection

<sup>1</sup> The Confederation shall, within the scope of its powers, **take measures for the protection of health**.

<sup>2</sup> It shall **legislate** on:

- a. the **use** of foodstuffs as well as **therapeutic products**, narcotics, organisms, chemicals and items that may be dangerous to health;
- b. the **combating of communicable, widespread or particularly dangerous human and animal diseases**; it shall in particular prohibit any form of advertising for tobacco products from reaching children and adolescents;
- c. protection against ionising radiation.

## 6. SECURITY OF MEDICAL SUPPLY: CURRENT LAW

### Federal Act on the National Economic Supply (National Economic Supply Act, NESAs)

#### Art. 4 NESAs Essential goods and services

<sup>1</sup> Goods and services are regarded as **essential** if they are required directly or through economic processes to **overcome serious shortages**.

<sup>2</sup> Essential goods are, in particular:

- a. energy sources, together with all the means of production and processing required therefor;
- b. foodstuffs, feedstuffs, **therapeutic products**, seed and plants;
- c. other indispensable goods that meet day-to-day needs;
- d. raw materials and auxiliary agents for agriculture, trade and industry.

#### Art. 7 NESAs Principles

<sup>1</sup> The Federal Council may **require stockpiling** of certain essential goods.

<sup>2</sup> The Federal Office for National Economic Supply (FONES) shall conclude **agreements with the companies** concerned on the stockpiling of such goods.

<sup>3</sup> If an agreement is not concluded within a reasonable period of time, the FONES **shall order an agreement** to be concluded. In addition, the Federal Council may impose authorisation requirements for the import of goods which must be stockpiled.

## 6. SECURITY OF MEDICAL SUPPLY: CURRENT LAW

### Federal Act on Controlling Communicable Human Diseases (Epidemics Act, EpidA)

#### Art. 44 EpidA Supply of therapeutic products

<sup>1</sup> The Federal Council shall ensure that the population is supplied with the **most important therapeutic products** that are **suitable for controlling communicable diseases**, insofar as it is unable to guarantee supply by means of measures under the National Economic Supply Act of 8 October 1982.

<sup>2</sup> It may issue regulations on:

- a. **allocating** therapeutic products;
- b. **distributing** therapeutic products;
- c. facilitating the **import** and restricting or prohibiting the **export** of therapeutic products, provided this is necessary in order to avert a public health risk;
- d. **maintaining stocks** of therapeutic products in hospitals and other healthcare institutions.

<sup>3</sup> It may provide for measures to supply Swiss citizens living abroad with therapeutic products.