

## **Update on the Danish medicinal cannabis pilot programme**

The Danish medicinal cannabis pilot programme is planned to end this year (2021) after a four-year trial period. It is still to be decided at a political level how the future will look for the programme. Hence there has been no legislative changes within the jurisdiction since our latest update in October 2020.

The Danish Ministry of Health published its evaluation of the pilot programme at end-November 2020, which has led to debate among health professionals and experts in the field as well as critique of the programme. Based on the Ministry evaluation, the Minister of Health, Magnus Heunicke, has stated that in the beginning of 2021, the Minister will initiate political negotiations regarding the future of the pilot programme.

### **The Danish Health Ministry's evaluation of the pilot programme**

An overall review and evaluation of the cannabis pilot programme was planned to be carried out in May 2020, but due to the Covid-19 crisis, the evaluation was delayed. The evaluation conducted by the Danish Ministry of Health in cooperation with its underlying agencies was published on 30 November 2020 and is meant to provide basis for political negotiations concerning the future of the pilot programme and the destiny of medicinal cannabis in Denmark.

The evaluation essentially concludes that the pilot programme provides a proper and safe framework for use of medical cannabis, which was one of the main purposes of the programme in order to respond to patients' self-medicating with illegal products.

However, the programme has been met by several challenging factors. Among these are limited and expensive product offerings and the medical practitioners' reluctance to prescribe the products. The evaluation points out that these factors have led patients to turn to the illegal cannabis market and self-medication. Additionally, the evaluation states that evidence of a positive effect of treatment with medicinal cannabis is still weak. In this context, the evaluation stresses the importance of the benefits of the medicinal cannabis products counterbalancing the adverse effects of the products.

The evaluation shows that patients associations and the cannabis industry wish for the programme to become permanent or to continue for an additional number of years before turning permanent. The evaluation points to four possible scenarios when the pilot programme expires on 31 December 2021:

1. The programme is continued, as evidence of the positive effect is still needed.
2. The programme is made permanent.
3. Part of the programme is continued and part of it is made permanent. The programme will continue as far as prescriptions to patients are concerned, and the programme will be made permanent as far as cultivation and export of medicinal cannabis is concerned.
4. The programme is terminated.

### **Dissatisfaction with the pilot programme**

We have in our earlier contributions reported that the pilot programme has been the centre of a heated debate. The health professionals criticising the programme are pointing to some of the same challenges as the evaluation from the Ministry of Health. The programme is, for one thing, accused of leading more patients than before to seek out the illegal cannabis market, as medical practitioners have shown reluctance to prescribe the products, in addition to high prices, contrary to the political intentions behind the programme. Critics are even

pointing out that several medical associations have advised against prescribing medicinal cannabis as evidence of the benefits of the products is not sufficient together with the treatment instructions. According to some patients, medical practitioners have in several cases refused to prescribe medicinal cannabis as a matter of principle.

Critics have also taken a stance regarding the evaluation of the pilot programme conducted by the Ministry of Health. The evaluation is allegedly emphasising all the challenges and the disadvantages of medicinal cannabis and only briefly referring to the benefits and advantages. The critics underline that it is necessary to focus specifically on availability, price and product offerings going forward. As mentioned, these areas have been some of the problematic factors in the current Danish pilot programme.

### **Pending political negotiations concerning the future of the Danish pilot programme**

Based on the evaluation of the programme, the Minister of Health, Magnus Heunicke, has stated that he will initiate political negotiations regarding the future of the pilot programme in the beginning of 2021. He wishes to engage in a broad political agreement with support from as many of the political parties at Parliament as possible to secure the pilot programme's continuation, termination or to make it a permanent part of Danish legislation. Due to the Covid-19 crisis, the political negotiations have been delayed.

### **Concluding remarks**

As for now, we are looking forward to the political negotiations and to follow developments.

Please find a link to the evaluation of the medicinal cannabis pilot programme conducted by the Danish Ministry of Health (in Danish only): <https://sum.dk/Media/2/9/Evaluering-af-forsoegsordningen-med-Medicinskannabis-nov-2020-tilgaengelig.pdf>



**Martin Dræbye Gantzhorn**

Partner

T +45 72 27 36 36  
M +45 25 26 36 36  
E [mdg@bechbruun.com](mailto:mdg@bechbruun.com)



**Gundula Kjær**

Senior regulatory affairs manager

T +45 72 27 34 63  
M +45 25 26 34 63  
E [gmk@bechbruun.com](mailto:gmk@bechbruun.com)