



Medicines without a retail price on the labelling from January

On 26 December, Decree-Law no. 128/2023 was published, amending the legal regimes relating to medicines for human use and pharmacies. In the following, we give a brief description of the changes introduced.

1. Price of medicines

From 2 January 2024, the labelling of medicines will no longer contain an indication of the retail price (“PVP”).

This information was removed from product labelling because it does not accurately reflect the cost of medicines borne by customers, since this is influenced by eventual State contribution, the application of the reference price system and the customers’ own characteristics, such as whether or not they are pensioners.

In addition, pharmacists are still obliged, when dispensing the medicine, to inform the patient of the existence of medicines available in the pharmacy with the same active substance, pharmaceutical form, presentation and dosage as the prescribed medicine, as well as those that are reimbursed by the National Health System, and the one with the lowest price available on the market.

Therefore, recognising that the indication of the PVP on the packaging of medicines does not accurately reflect their cost to customers, this mention is eliminated and pharmacies must provide customers with information on the price of medicines on the invoice or bill/receipt issued, which must include the following:

- (i) The retail price (PVP);*
- (ii) The reference price, if applicable;*
- (iii) the percentage of the State's contribution to the PVP;*
- (iv) the cost borne by the State; and*
- (v) The cost borne by the customer.*

In addition, Infarmed, I.P. will also ensure that this information is made available through the media accessible from its website (e.g. INFOMED).

2. Transfer of pharmacy location

The aforementioned Decree-Law amends article 26 of the Legal Framework for Pharmacies and adds article 26-A. In short, the authorisation procedure with Infarmed, I.P. to transfer the location of a pharmacy within the same municipality and to adjoining municipalities has been changed.

Finally, it should be noted that this decree-law came into force on 27 December and takes effect from 2 January 2024.

If you have any questions on this subject, please do not hesitate to contact the Health Law team at pbb - Sociedade de Advogados, SP, RL.

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