

AMENDMENT TO THE RETAIL PHARMACY REGIME

Decree-Law no. 58/2024 was published on September 25, introducing changes to the Legal Framework for Retail Pharmacies.

The Legal Framework for Retail Pharmacies establishes the rules applicable to workshop pharmacies' installation, ownership, operation, and powers.

A retail pharmacy is a private health unit designed to supply medicines and health products, as well as providing pharmaceutical services.

The amendment introduced by Decree-Law 58/2024 aims to clarify the procedures for transferring a pharmacy within the same municipality and to neighboring municipalities.

The amendment focuses on assuming the distance of the pharmacy's current location from other pharmacies in the case of pharmacy transfers within the same municipality.

Since December 2023, for a pharmacy to be able to transfer its premises within the same municipality, it was necessary, among other conditions, for there to be a pharmacy less than 1000 meters away, unless the pharmacy to be transferred was covered by the exceptional operating regime in the last three years immediately preceding the date of submission of the transfer request.

Verification of this condition - the existence of a pharmacy less than 1000 meters away - prevented any transfer of premises within the same municipality, even in cases where the intended transfer did not involve any change in pharmaceutical coverage.

In other words, the owner of a pharmacy who only wanted to move the pharmacy to a building very close to the current location could not do so if there was no pharmacy within 1000 meters.

With this new change, the existence of another pharmacy within 1000 meters is no longer required, if the transfer takes place within the same municipality and is made to a location within 750 meters of the original premises. This change makes it easier for pharmacies to relocate to areas close to their original premises.

The second change relates to a clarification of the documents required for applications to transfer a pharmacy to a neighboring municipality. Until December 2023, it was common understanding that no opinion from the local councils was required when transferring a pharmacy to a neighboring municipality.

However, in the amendment introduced in December 2023, the legislator made a reference to the documents required in cases of pharmacy transfers within the same municipality, thus raising doubts about the need to submit a favorable opinion from the Municipal Council.

With this new amendment, there is no doubt that, in the event of a pharmacy being transferred to a neighboring municipality, no intervention by the Municipal Councils is required, namely through the issuing of opinions.

These changes came into force on September 30, 2024.



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