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Update

Life Sciences

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Advertising of medicinal products price discounts is banned

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Amendment to the Portuguese Medicines Act

The most recent alteration to the Legal Regime of Medicinal Products for Human Use, also known as the Portuguese Medicines Act, was published in the Official Gazette on May 19.

Decree-Law no. 36/2021, of May 19, approved by the Council of Ministers, prohibits the advertising of discounts on the price of medicinal products whose advertising is already banned by current legislation.

The approval of this Decree-Law is based on the potential harmful impacts that this type of advertising may cause at the level of public health, consumer interests and competition among pharmacies.

The ban on advertising prescription-only medicinal products to the general public, as well as medicines subsidized by the National Health Service, was already in effect. However, the advertising of possible discounts on the price of these medicinal products was not yet regulated.

In accordance with Article 28, no. 1, paragraph d) of Decree-Law no. 307/2007, of August 31, pharmacies are still required to visibly disclose relevant information in their relationship with users, namely the discounts they grant on the price of medicinal products. Nevertheless, advertising to the general public is banned.

As of July 1, 2021, it will continue to be possible to grant discounts on the price of the medicinal products whose advertising is forbidden, but the advertising of discounts on the prices of the following medicinal products will be expressly banned:

- i) Prescription-only medicines;
- ii) Medicines containing substances defined as narcotic or psychotropic under international conventions binding upon the Portuguese State;
- iii) Medicines that are subsidized by the National Health Service.