

**HEALTHCARE, LIFE SCIENCES & PHARMACEUTICALS**

Rules on controlled substances

Law 9/2023 (“**Law 9/2023**”) was published on 3 March and it introduces the following amendments to Decree-Law 15/93 of 22 January 1993, which approved the rules on trafficking and consumption of narcotic drugs and psychotropic substances (“**Anti-Drugs Law**”):

- It includes new psychoactive substances in the definition of drugs, incorporating Commission Delegated Directive (EU) 2022/1326 of 18 March 2022 into Portuguese law;
- It formalises the introduction of the decisions of the United Nations Commission on Narcotic Drugs taken at its 64th and 65th sessions held in April 2021 and March 2022, respectively;
- It introduces amendments to the international movement rules for persons carrying controlled substances for medical purposes.

The following substances are added to Table IV annexed to the Anti-Drugs Law:

- Brorphine;
- Metonitazene.

The following substances are added to Table II-A annexed to the Anti-Drugs Law:

- 3-CMC;
- 3-MMC;
- 3-Methoxyfencycline;
- CUMYL-PEGACLONE;
- Diphenidine;
- Eutilone.

Law 9/2023 includes new psychoactive substances in the definition of drugs, formalises the introduction of the decisions of the United Nations Commission on Narcotic Drugs and introduces amendments to the international movement rules.

The following substances are added to Table IV annexed to the Anti-Drugs Law:

- Clonazolam;
- Diclazempam;
- Flubromazolam.

The following substances are added to Table V annexed to the Anti-Drugs Law:

- N-Phenyl-4-piperidinamine;
- Tert-butyl 4;
- Piperidine-1-carboxylate;
- Norfetanil.

The substances and preparations that comprise the concept of narcotic drugs and/or psychotropic substances are divided in the Anti-drugs Law into six different tables, which, according to their nature and dangerousness, have different legal treatment. For this reason, the 15 new substances mentioned above have also been included in the definition of drugs in different tables.

The second legislative change in Law 9/223 is that, similarly to the possibility of transporting substances listed in Tables I-A, II-B, II-C, III and IV, substances based on the cannabis plant, listed in Table I-C, may now be transported by people crossing the Portuguese borders. However, the quantity must not exceed the amount needed for 30 (thirty) days' treatment, it must be for personal use and accompanied by a medical document justifying the need for its use.

The law entered into force on 4 March 2023. ■