

Legal Alert Covid-19: New Law Facilitates Access to Medicines during Pandemics



September 23, 2020 / By [Tomás Muñoz](#)

On September 22th, 2020, Act N° 21.267 was officially published. The purpose of the Act is to facilitate access to medicine by extending the validity of medical prescriptions that were given before or during a pandemic officially decreed by the Chilean Government. In particular, this is achieved by extending the prescription validity, which correspond normally to 6 months since the physician has granted it.

As so, the Act has established the following:

- All authorized establishments must permit access to medicines upon the presentation of a valid prescription´s copy, regardless of its physical or digital support.
- Prescriptions granted 6 month before a pandemic decree by the Government and those prescribed during it, will be considered valid during the pandemic and 6 months after.
- Regarding any other mandatory norms that authorized establishment must abide, they will still be mandatory regardless of an official pandemic decree.
- Misuse of prescriptions will be sanctioned according to the Sanitary Code, the Criminal Code and Lay N° 20.000, that sanctions drug trafficking and consumption, if applicable.
- The Sanitary Code is modified in order to eliminate the mandatory use of an Advanced Electronic Signature to grant a prescription, being replaced with the norms of a decree. Though the Act does not indicate which specific decree, the legislative discussion demonstrates that it was intended to refer to the Pharmacies Regulation, Decree N° 466.

En relación a este tema, revise la [alerta](#) enviada el 8 de mayo sobre el Decreto que introduce el comercio electrónico de medicamentos.

In relation with this matter, please review the [legal alert: Ministry of Health introduces e-commerce in medicines.](#)

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