



CANNABIS INDUSTRY

AUTHORIZATION FOR HEMP CULTIVATION AND INDUSTRIAL EXPLOITATION

On August 4, 2020 and for the fifth time, was amended the Regulatory Decree No. 61/94, of October 12, which establishes the rules for the control of the lawful market for narcotic drugs and psychotropic substances, included in the Tables I to IV of the Decree-Law (DL) No. 15/93, of January 22, and other chemicals that may be used in the manufacture of drugs.

The most recent change came to respond to the long-awaited **framework for the authorization to grow hemp for industrial purposes**, an activity that has remained in a kind of gray area since the publication of DL No. 8/2019, of 15 January.

After the entry into force of DL No. 8/2019, which regulates the use of medicines, preparations and substances based on the cannabis plant for medicinal purposes, the authorizations normally granted to farmers for the production of Cannabis Sativa L. for industrial purposes, more commonly known as hemp, were blocked, as the DL was not clear about the legal framework and authority responsible for granting the authorization for the cultivation of this plant species.

The National Authority for Food and Veterinary (DGAV), until then the authority responsible for authorizing the cultivation of cannabis for industrial purposes and certifying the seeds to be used in its cultivation, when the DL No. 8/2019 came into force, claimed that it no longer had a legal framework to continue exercising this same grant of authorization. It justified the lack of competence to issue any opinion based on Article 6th A, Chapter VI of the DL No. 8/2019, as quoted: *“The instruction of requests and procedures related to the granting of authorizations for the exercise of related activities with the cultivation, manufacture, wholesale trade, transit, import and export of medicines, preparations and substances based on the cannabis plant for medicinal, medical-veterinary or scientific research purposes, as well as authorizations for the exercise of the cultivation activity of the cannabis plant for other purposes, namely industrial ones, as well as the security measures to be adopted, are defined by order of the members of the Government responsible for the areas of finance, internal administration, justice, health, economy and agriculture”*.

Simultaneously, based on the same Article 6th A, of the DL No. 8/2019, INFARMED also considered that the authorization for the cultivation of industrial hemp was outside the scope of its competences, thus leaving the industry weakened, without a regulatory framework.

The recent publication of the Regulatory Decree No. 2/2020, of 4 August, **establishes the regime for authorizing the cultivation of hemp for industrial purposes**, which was already much demanded by the hemp industry. According to this DL, *“in the case of growing hemp for industrial purposes, including for food use, animal feed or the manufacture of compound feed or animal feed, of the cannabis sativa varieties for the production of fibers and seeds not intended for seeding, the control functions are carried out by IFAP (Financing Institute of Agriculture and Fishing), jointly with PJ, GNR and PSP (national security authorities)”*. **The grant of the industrial hemp cultivation authorization will be the responsibility of DGAV.**

The publication was viewed with great interest by the industrial hemp producers, who admit that the regulation for the industry is good, since it allows the industry to start preparing the crops of 2021.

It should be noted that this diploma also published fees to be applied when submitting an authorization for the cultivation of industrial hemp.

The **application of fines and sanctions** for the use of authorization for a purpose other than that established is a responsibility of **INFARMED** - National Authority for Medicines and Health Products, excluding those resulting from competences attributed to DGAV.

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