

SUPREME DECREE No. 004-2023-SA

THE PRESIDENT OF THE REPUBLIC

CONSIDERING:

That, paragraphs 6 and 9 of Article 3 of Legislative Decree No. 1161, Legislative Decree approving the Law on the Organization and Functions of the Ministry of Health, establish that the Ministry of Health is responsible for pharmaceutical and sanitary products, medical devices, and pharmaceutical establishments, as well as health research and technologies. Article 4 stipulates that the Health Sector comprises the Ministry of Health as the governing body, affiliated entities, and those public and private institutions at national, regional, and local levels, along with individuals engaged in activities related to the competencies established in said Law, which have a direct or indirect impact on individual or collective health;

That, subparagraphs b) and h) of Article 5 of the aforementioned Legislative Decree No. 1161 specify that the Ministry of Health is responsible for formulating, planning, directing, coordinating, executing, supervising, and evaluating national and sectoral policies regarding health promotion, disease surveillance, prevention, and control, health recovery, rehabilitation, health technologies, and best practices in health, applicable at all levels of government. It is also responsible for issuing norms and technical guidelines for the appropriate implementation and supervision of national and sectoral health policies, among others;

That, Law No. 30681, the Law regulating the medicinal and therapeutic use of cannabis and its derivatives, aims to guarantee the fundamental right to health and enable access, exclusively for medicinal and therapeutic use, to cannabis and its derivatives. Furthermore, it establishes provisions regarding informed use, research, production, importation, and commercialization of cannabis and its derivatives intended exclusively for medicinal and therapeutic purposes;

SUPREME DECREE APPROVING THE REGULATION GOVERNING THE MEDICINAL AND THERAPEUTIC USE OF CANNABIS AND ITS DERIVATIVES

THEREFORE, IT IS DECREED:

Article 1.- Approval

Approve the Regulation governing the medicinal and therapeutic use of cannabis and its derivatives, consisting of fourteen (14) chapters, fifty (50) articles, fourteen (14) final complementary provisions, one (1) transitional complementary provision, and eight (8) annexes, which form part of this Supreme Decree.

Article 2.- Financing

The implementation of the provisions of this regulation shall be financed with the institutional budget of the entities involved, without requiring additional resources from the Public Treasury.

Article 3.- Publication

This Supreme Decree and the approved Regulation shall be published on the Single Digital Platform of the Peruvian State for Citizen Guidance (www.gob.pe), as well as on the digital headquarters of the Presidency of the Council of Ministers (www.gob.pe/pcm), the Ministry of Health (www.gob.pe/minsa), the Ministry of Agrarian

Development and Irrigation

(www.gob.pe/midagri), the Ministry of Economy and Finance (www.gob.pe/mef), the Ministry of the Interior (www.gob.pe/mininter), and the Ministry of Foreign Trade and Tourism (www.gob.pe/mincetur), on the same day as their publication in the Official Gazette El Peruano.

Article 4.- Endorsement

This Supreme Decree shall be endorsed by the President of the Council of Ministers, the Minister of Agrarian Development and Irrigation, the Minister of Economy and Finance, the Minister of the Interior, the Minister of Health, and the Minister of Foreign Trade and Tourism.

FINAL COMPLEMENTARY PROVISIONS

FIRST. Exportation of cannabis and its derivatives

The exportation of cannabis and its derivatives for medicinal and therapeutic use and the obtaining of the Official Export Certificate shall be governed by the provisions of Decree Law No. 22095, Law on the Suppression of Illicit Drug Trafficking, and the Regulation on Narcotics, Psychotropic Substances, and Other Substances Subject to Health Control, approved by Supreme Decree No. 023-2001-SA, and its amendments.

SECOND. Validity

This Supreme Decree shall come into effect six (6) months after the day following its publication in the Official Gazette El Peruano.

DEROGATORY PROVISION

SOLE. Repeal

Repeal Article 1 of Supreme Decree No. 005-2019-SA, which approved the Regulation of Law No. 30681, the Law regulating the medicinal and therapeutic use of cannabis and its derivatives.

Issued at the Government House, in Lima, in the month of February of the year two thousand twenty-three.