

**Order of 15 December 2023 establishing the list of establishments, services or service providers who may supply foods for special medical purposes in accordance with the provisions of Article L. 5137-1 of the Public Health Code**

NOR: SPRH2334630A

ELI: <https://www.legifrance.gouv.fr/eli/arrete/2023/12/15/SPRH2334630A/jo/texte>

Official Journal of the French Republic No 0295 of 21 December 2023

Text No 76

The Minister for Health and Prevention,

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification);

Having regard to the Public Health Code, in particular Article L. 5137-1 thereof;

Having regard to notification No 2023/379/FR sent on 20 June 2023 to the European Commission;

Hereby decrees:

**Article 1**

Foods intended for special medical purposes other than those referred to in the second paragraph of Article L. 5137-3 of the Public Health Code may be supplied under conditions guaranteeing effective medical supervision:

1. Health cooperatives running a pharmacy for internal use;
2. Healthcare establishments which do not have a pharmacy for internal use;
3. The following medical and social institutions and services:
  - a) Elderly residence facilities mentioned in point 6 of I of Article L. 312-1 of the Social Action and Family Code;
  - b) Residence facilities for minor or adult disabled persons mentioned in points 2 and 7 of I of the same article;
  - c) The facilities called: 'healthcare beds', 'medicalised reception beds' and 'assisted-living apartments' mentioned in point 9 of I of the same article;
  - d) The experimental establishments or services referred to in point 12 of the same article;
4. The social and medico-social cooperatives referred to in Article L. 312-7 of the Social Action and Family Code running at least one establishment or service mentioned in point 3;
5. Service providers and distributors of materials referred to in Article L. 5232-3 of the Public Health Code;
6. The centres and structures referred to in Article L. 6325-1 of the Public Health Code.

In health establishments with a pharmacy for internal use, foods for special medical purposes other than those referred to in the second paragraph of Article L. 5137-3 of the Public Health Code may be supplied, in connection with the pharmacy for internal use, by a department of the establishment.

**Article 2**

This Order shall be published in the Official Journal of the French Republic.

Dated 15 December 2023.

For and on behalf of the Minister:  
The Director-General for Healthcare,  
M. Daude  
The Director-General for Health,  
G. Emery