

HE301*

Poisons Act 1964

Poisons Amendment Regulations (No. 4) 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Poisons Amendment Regulations (No. 4) 2012*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Poisons Regulations 1965*.

4. Regulation 36 amended

(1) After regulation 36(1)(c) insert:

(da) in the case of a poison that is referred to in the *National Health (Continued Dispensing) Determination 2012* (Commonwealth) Schedule 1 as in force on 1 July 2012 —

- (i) the poison is sold or supplied by a pharmacist; and
- (ii) the pharmacist selling or supplying the poison is satisfied on reasonable grounds that —
 - (I) the person to whom the poison is sold or supplied (the *patient*) is under regular medical treatment with the poison; and
 - (II) it is not practical for the patient to obtain a prescription for the poison in sufficient time to allow for the treatment to continue uninterrupted; and
 - (III) the patient has not been supplied with the poison without a prescription in the period of 12 months preceding the day on which the poison is sold or supplied;

and

- (iii) the quantity of the poison sold or supplied to the patient is not more than that required to provide 30 days treatment; and
- (iv) the pharmacist notifies the person who is medically treating the patient with the poison within 24 hours of the sale or supply;

or

(2) After regulation 36(3) insert:

- (4A) A pharmacist who sells or supplies a poison in Schedule 4 under subregulation (1)(da) must enter the following information into the Prescription Book referred to in subregulation 3(c) —
- (a) the name and quantity of the poison;
 - (b) the direction for use (if applicable);
 - (c) the date of sale or supply of the poison;
 - (d) the name and address of the patient;
 - (e) the name and identifying initials of the person who is medically treating the patient with the poison;
 - (f) an identifying letter or combination of letter and number for the entry.

5. Regulation 37C inserted

After regulation 37B insert:

37C. Schedule 4 poisons, exemptions in connection with public health programmes

- (1) Under section 21A of the Act, a Schedule 4 poison described in an item in the Table is exempt from the operation of sections 23(1) and 32(c) of the Act and regulations 33 and 36 if —
- (a) the poison is administered for treatment of a condition referred to in the same item of the Table through a public health programme approved by the CEO; and
 - (b) the poison is administered to a person by a registered nurse who has qualifications approved by the CEO for the purposes of the public health programme; and
 - (c) the poison is administered in accordance with a code for the administration of the poison approved by the CEO in connection with the public health programme and published on the department's website.

Note: The department's website address is <<http://www.health.wa.gov.au>>.

Table

Item	Description of poisons	Condition
1.	azithromycin, amoxicillin and probenecid contained in a single oral dose pack	sexually transmitted disease
2.	azithromycin	trachoma

- (2) The exemption in subregulation (1) applies only to the extent that the provisions in respect of which it applies relate to the supply of a poison.

6. Regulation 38B inserted

After regulation 38A insert:

38B. NRMCs to be taken to be lawful prescriptions

- (1) In this regulation —
- NRMC* means the National Residential Medication Chart developed by the Australian Council for Safety and Quality in Health Care;
- residential care facility* means any premises used to provide residential care to care recipients by an approved provider as defined in the *Aged Care Act 1997* (Commonwealth).
- (2) An NRMC for a person who is a care recipient in a residential care facility is to be taken to be a prescription for a Schedule 4 poison that complies with regulation 37 for the purposes of dispensing the poison for the use of the person if —
- (a) all the details in respect of the person required by the NRMC have been completed; and
 - (b) a medical practitioner, nurse practitioner or authorised health practitioner has completed, in ink in his or her own hand writing all the details in respect of the Schedule 4 poison required by the NRMC.

7. Regulation 52 amended

- (1) In regulation 52(2) delete “podiatrist” (each occurrence) and insert:

podiatrist,

- (2) In regulation 52(3)(a)(ii) delete “podiatrist” and insert:
podiatrist,

8. Regulation 56 amended

- (1) In regulation 56(2)(a) delete “42(1); or” and insert
42(1) or (2A); or
- (2) In regulation 56(3)(d) delete “midwife” (each occurrence) and
insert:
midwife,

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.