

HE304\*

Poisons Act 1964

## **Poisons Amendment Regulations 2005**

Made by the Lieutenant-Governor and Administrator in Executive Council.

**1. Citation**

These regulations are the *Poisons Amendment Regulations 2005*.

**2. Commencement**

These regulations come into operation on 1 January 2006.

**3. The regulations amended**

The amendments in these regulations are to the *Poisons Regulations 1965*\*.

[\* *Reprint 7 as at 10 January 2003.*

*For amendments to 3 October 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 301.]*

**4. Regulation 2 amended**

(1) Regulation 2 is amended as follows:

- (a) by deleting the definition of “dispense” and inserting instead —

“

**“dispense”**, in relation to a medicine or a poison —

- (a) means supply the medicine or poison on and in accordance with a prescription duly given by a medical practitioner, a nurse practitioner, a dentist or a veterinary surgeon; and
- (b) in relation to a drug of addiction, has a meaning affected by regulation 42A;

”;

- (b) by inserting the following definition in its appropriate alphabetical position —

“

**“prescribe”**, in relation to a drug of addiction, has a meaning affected by regulation 42A;

”.

**5. Regulation 42A inserted**

Before regulation 42 the following regulation is inserted in Part 6 Division 1 —

“

**42A. Interpretation**

In this Part, a reference to prescribing or dispensing a drug of addiction is to be read as including a reference to prescribing or dispensing a preparation containing a drug of addiction.

”.

**6. Regulation 51 amended**

Regulation 51(1) is amended as follows:

- (a) after paragraph (a) by inserting —

“

- (aa) it shall not prescribe more than one drug of addiction, nor any other substance, but may prescribe the same drug in more than one form;

”;

- (b) in paragraph (b)(iii) by deleting “name and full address of the patient” and inserting instead —

“

name, full address and date of birth of the patient

”.

- (c) in paragraph (b)(iv) by deleting “poison or preparation containing the poison” and inserting instead —  
 “ drug of addiction ”;
- (d) by deleting paragraph (b)(v) and inserting the following subparagraph instead —  
 “  
     (v) precise directions for the use of the drug of addiction, including the dose to be taken or administered and the frequency with which the dose is to be taken or administered;  
 ”;
- (e) in paragraph (b)(vi) by deleting “it is to be dispensed more than once,” and inserting instead —  
 “  
     the drug of addiction is to be dispensed more than once under the prescription,  
 ”;
- (f) in paragraph (b)(ix) by deleting “contains” and inserting instead —  
 “ prescribes ”.

## 7. Regulation 52 amended

- (1) Regulation 52(3) is amended as follows:
- (a) by deleting “persons dispensing prescriptions referred to in this regulation — ” and inserting instead —  
 “  
     a person who dispenses a drug of addiction under a prescription —  
 ”;
- (b) in paragraph (a) by deleting “the person to whom a prescription is submitted for dispensing shall satisfy himself — ” and inserting instead —  
 “  
     the dispenser shall satisfy himself or herself —  
 ”;
- (c) after paragraph (a)(i) by deleting “and”;
- (d) in paragraph (a)(ii) by deleting “duly registered within the State”;
- (e) after paragraph (a)(ii) by inserting —  
 “  
     and  
     (iii) in accordance with subregulation (3a), that the prescription was signed by the prescriber whose name appears on the prescription;  
 ”;

- (f) by deleting paragraph (b) and inserting the following paragraphs instead —

“

- (b) the drug of addiction shall not be dispensed under the prescription more than the maximum number of times indicated on the prescription, or at intervals less than those indicated on the prescription;
- (ba) on each occasion on which the drug of addiction is dispensed under the prescription the dispenser shall —
  - (i) sign the prescription clearly in ink using his or her usual signature; and
  - (ii) stamp or otherwise mark the prescription clearly in ink with the date on which the drug is dispensed;
- (bb) on the first occasion on which the drug of addiction is dispensed under the prescription, the dispenser shall stamp or otherwise mark the prescription clearly in ink with the name and address of the dispensary;

”;

- (g) by deleting paragraph (c) and inserting the following paragraph instead —

“

- (c) where the drug of addiction is prescribed by a veterinary surgeon, the dispenser shall not dispense the drug of addiction on more than one occasion under that prescription;

”;

- (h) by deleting paragraph (d) and inserting the following paragraph instead —

“

- (d) where the dispenser dispenses less than the prescribed amount of the drug of addiction on presentation of the prescription and dispenses or intends to dispense the remainder on another occasion or occasions, the dispenser shall on each occasion on which part of the prescribed amount is dispensed, note on the prescription clearly in ink the amount dispensed and the date on which it was dispensed;

”;

- (i) by deleting paragraphs (e) and (f) and inserting the following paragraphs instead —
- “
- (e) after dispensing the drug of addiction as directed by the prescription the dispenser shall —
- (i) mark the prescription with the number of occasions remaining (if any) on which the drug of addiction is to be dispensed under the prescription; and
- (ii) subject to subregulation (7), retain the prescription in safe custody at the dispensary;
- (f) the dispenser shall write in ink, or stamp, the word “cancelled” across the prescription in legible letters if —
- (i) the prescription does not clearly indicate the maximum number of occasions on which the drug of addiction is to be dispensed under the prescription;
- (ii) the prescription does not clearly indicate the intervals at which the drug of addiction is to be dispensed under the prescription; or
- (iii) the drug of addiction has already been dispensed on the maximum number of occasions on which it can lawfully be dispensed under the prescription;
- ”;
- (j) in paragraph (g) by deleting “person who dispenses a prescription” and inserting instead —
- “ dispenser ”;
- (k) by deleting paragraph (h) and inserting the following paragraph instead —
- “
- (h) before the drug of addiction is handed to the purchaser, the following particulars shall be recorded in accordance with regulation 52B —
- (i) the prescription number;
- (ii) the name, full address and date of birth of the patient or, in the case of a prescription for veterinary use, the name and full address of the person having the care of the animal for which the drug of addiction is prescribed;
- (iii) a description of the drug of addiction;
- (iv) the quantity of the drug of addiction dispensed;

- (v) directions for the use of the drug of addiction;
  - (vi) the date of the prescription;
  - (vii) the name and address of the prescriber;
  - (viii) a note of the basis on which the dispenser is satisfied for the purposes of subregulation (3)(a)(iii) that the signature on the prescription is the signature of the prescriber whose name appears on the prescription;
- ”.
- (2) After regulation 52(3) the following subregulation is inserted —
- “
- (3a) For the purposes of subregulation (3)(a)(iii), the dispenser shall orally ask the prescriber whose name appears on the prescription to verify that the prescriber issued the prescription, unless the dispenser is satisfied that the signature on the prescription is the signature of the prescriber on the basis that the dispenser is familiar with the signature of the prescriber and recognises the signature on the prescription as the prescriber’s signature.
- ”.
- (3) Subregulation (4) is amended as follows:
- (a) by deleting “A prescription” and inserting instead —
- “
- A person shall not dispense a drug of addiction under a prescription
- ”;
- (b) by deleting “shall not be dispensed”.
- (4) Subregulation (5) is amended as follows:
- (a) by deleting “A prescription” and inserting instead —
- “
- A person shall not dispense a drug of addiction under a prescription
- ”;
- (b) by deleting “, shall not be dispensed”.
- (5) Subregulation (6a) is amended as follows:
- (a) by inserting after “for dispensing” —
- “ a drug of addiction ”;
- (b) by inserting after “to dispense” —
- “ the drug of addiction under ”.

- (6) After regulation 52(6a) the following subregulations are inserted —

“

- (7) The dispenser of a drug of addiction may transfer a prescription into the safe custody of another person if the transfer is approved by the Commissioner of Health under subregulation (7a).
- (7a) The Commissioner of Health may, on the oral application of the dispenser, give approval for the dispenser to transfer the prescription to another person by whom the drug can be dispensed in accordance with these regulations.

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By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.