HE301*

Poisons Act 1964

Poisons Amendment Regulations 2003

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Poisons Amendment Regulations 2003*.

2. The regulations amended

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

[* *Reprint 7 as at 10 Jan 2003.*
For amendments to 22 July 2003 see Western Australian Legislation Information Tables for 2002, Table 4, p. 288, and Gazette 9 April 2003.]

3. Regulation 2 amended

Regulation 2 is amended by inserting the following definition in the appropriate alphabetical position —

"

"public hospital" means a public hospital as defined in section 2(1) of the *Hospitals and Health Services Act 1927*;

".

4. Regulation 10A amended

Regulation 10A(2)(b) is amended by deleting "within the meaning of the *Hospitals and Health Services Act 1927*".

5. Regulation 51A amended

Regulation 51A is amended by deleting "For the purposes of regulations 51AA to 51G — " and inserting instead —

" In this Subdivision — ".

6. Regulation 51G replaced

Regulation 51G is repealed and the following regulations are inserted instead —

"

51G. Interpretation

In this Subdivision —

"authorised practitioner" means a medical practitioner who holds an authorisation under regulation 51GAB;

"stimulant" means amphetamine, dexamphetamine, methylamphetamine, methylphenidate or phenmetrazine, or the salts of any of those substances and any preparation or admixture containing any of those substances, or the salts of any of those substances.

51GAA. When a medical practitioner may supply or prescribe a stimulant

Despite regulations 51B and 51F, a medical practitioner must not supply a stimulant or provide a prescription for a stimulant unless the medical practitioner —

(a) is an authorised practitioner;

(b) does so as a co-prescriber under regulation 51GAG;

(c) does so in accordance with a special authorisation under regulation 51GAH; or

(d) does so under regulation 51GAI.

51GAB. Authorisation to supply or prescribe a stimulant

(1) A medical practitioner may apply to the Commissioner of Health for authorisation to supply a stimulant or to provide a prescription for a stimulant.

(2) The application must be in a form approved by the Commissioner of Health.

(3) On receiving an application under subregulation (1) the Commissioner of Health may grant the authorisation.

(4) An authorisation remains in force until the applicant ceases to be a registered medical practitioner or the Commissioner of Health revokes the authorisation.

(5) The Commissioner of Health may by notice in writing cancel or vary the terms of an authorisation at any time.

51GAC. When an authorised practitioner may supply or prescribe a stimulant

An authorised practitioner must not supply a stimulant or provide a prescription for a stimulant unless the patient is diagnosed as having —

(a) attention deficit hyperactivity disorder;

(b) brain damage;

(c) depression; or

(d) narcolepsy.

51GAD. Treatment of attention deficit hyperactivity disorder with a stimulant

(1) An authorised practitioner must not supply or prescribe a stimulant for treatment of attention deficit hyperactivity disorder to or for a patient who has not reached 2 years of age.

(2) An authorised practitioner must not, without written permission from the Commissioner of Health, supply or prescribe a stimulant for treatment of attention deficit hyperactivity disorder to or for a patient who has reached 2 years of age but has not reached 4 years of age.

(3) An authorised practitioner must not supply or prescribe a stimulant for treatment of attention deficit hyperactivity disorder to or for a patient who has reached 4 years of age but has not reached 18 years of age unless the authorised practitioner is —

(a) a paediatrician;

(b) a paediatric neurologist; or

(c) a child and adolescent psychiatrist.

(4) An authorised practitioner must not supply or prescribe a stimulant for treatment of attention deficit hyperactivity disorder to or for a patient who has reached 18 years but has not reached 25 years unless the authorised practitioner is —

(a) a neurologist or psychiatrist not referred to in subregulation (3); or

(b) an authorised practitioner referred to in subregulation (3) who was treating the patient for attention deficit hyperactivity disorder before the patient reached 18 years of age.

(5) An authorised practitioner must not supply or prescribe a stimulant for treatment of attention deficit hyperactivity disorder to or for a patient who has

reached 25 years unless the authorised practitioner is a neurologist or psychiatrist not referred to in subregulation (3).

(6) An authorised practitioner must not, without written permission from the Commissioner of Health, supply or prescribe a stimulant for treatment of attention deficit hyperactivity disorder to or for a patient who has a history of psychosis, bipolar disorder, or sustained significant substance abuse.

51GAE. Dose for supply or prescription of a stimulant

(1) If an authorised practitioner is treating a patient with a stimulant, the patient must be started on the lowest practicable dose that is then titrated according to the person's response.

(2) An authorised practitioner must not, without written permission from the Commissioner of Health, treat a patient with a dose greater than —

(a) 1 mg/kg/day for dexamphetamine up to a maximum of 60 mg/day; and

(b) 2 mg/kg/day for methylphenidate up to a maximum of 120 mg/day.

(3) If an authorised practitioner prescribes one or more stimulants for the same patient, the authorised practitioner must not, without written permission from the Commissioner of Health, prescribe a total daily dosage exceeding 12 tablets/day for those stimulants.

51GAF. Notification to Commissioner of Health of supply or prescription of a stimulant

(1) An authorised practitioner must notify the Commissioner of Health as soon as practicable after —

(a) a stimulant has been supplied to or prescribed for a patient by the authorised practitioner for the first time;

(b) there has been a change in —

(i) the dose of a stimulant supplied to or prescribed for a patient by the authorised practitioner;

(ii) the type of stimulant supplied to or prescribed for a patient by the authorised practitioner;

(iii) the form of stimulant supplied to or prescribed for a patient by the authorised practitioner;

(iv) the name or residential address of a patient who is being treated with a stimulant by the authorised practitioner; or

(v) the co-prescribers (if any) of the authorised practitioner under regulation 51GAG;

and

(c) the supply or provision of prescriptions for a stimulant to a patient by the authorised practitioner has ceased.

(2) The notification is to be in a form approved by the Commissioner of Health.

(3) Upon receiving notification under subregulation (1)(a) or (b), the Commissioner of Health may by notice to the authorised practitioner order that the treatment be cancelled or varied.

(4) An authorised practitioner receiving an order under subregulation (3) must comply with the order.

51GAG. Co-prescriber for supply or prescription of a stimulant

(1) An authorised practitioner may nominate another medical practitioner to be a co-prescriber of a stimulant in a notification to the Commissioner of Health under regulation 51GAF.

(2) A co-prescriber may on the same conditions as the authorised practitioner supply a stimulant or provide a prescription for a stimulant to the patient who is the subject of the notification.

51GAH. Special authorisation to supply or prescription of a stimulant

(1) A medical practitioner may apply to the Commissioner of Health for a special authorisation to supply or prescribe a stimulant to a particular patient in circumstances not set out in regulation 51GAC.

(2) The application must be in a form approved by the Commissioner of Health.

(3) On an application under subregulation (1), the Commissioner of Health may grant the special authorisation if the Commissioner considers that there are sound medical grounds for doing so.

(4) The Commissioner of Health may by notice in writing cancel or vary the terms of a special authorisation at any time.

51GAI. Supply or prescription of a stimulant in a public hospital or prison

Where a person who is being treated with a stimulant under this Subdivision —

(a) enters a public hospital for treatment as an in-patient; or

(b) is placed in custody in a prison as defined in the *Prisons Act 1981*,

and needs to continue treatment with the stimulant while in that hospital or prison, a medical practitioner attached to the hospital or prison may supply the stimulant or provide a prescription for the stimulant on the same conditions that the medical practitioner who initiated the treatment would be able to.

".

7. Regulation 53A amended

Regulation 53A is amended in the list of poisons by inserting in the appropriate alphabetical positions —

"

Amphetamine
Dexamphetamine
Methylamphetamine
Methylphenidate
Phenmetrazine

".

8. Regulation 64 amended

Regulation 64(5) is amended by deleting "(as defined in the *Hospitals and Health Services Act 1927*)".

9. Various headings deleted

The regulations are amended by deleting the headings that appear immediately before each of the regulations set out in the Table to this regulation.

Table of headings to be deleted

r. 1	r. 35	r. 45
r. 2	r. 36	r. 47
r. 3	r. 37	r. 48
r. 5	r. 38	r. 49
r. 7 (both headings)	r. 38AA	r. 50
r. 8	r. 38C (both headings)	r. 51
r. 8A	r. 38D	r. 52
r. 9	r. 38E	r. 52B
r. 10	r. 38F	r. 52C
r. 10A	r. 38G	r. 53
r. 12	r. 38H	r. 53A
r. 15	r. 39	r. 54
r. 19	r. 40	r. 55
r. 21	r. 40A	r. 56
r. 25	r. 41A	r. 57
r. 30 (both headings)	r. 42	r. 58
r. 31	r. 43	r. 59 (both headings)
r. 32	r. 43A	r. 60
r. 33	r. 44	

10. Various Part, Division and Subdivision headings inserted

The regulations are amended by inserting immediately before the regulation specified in column 1 of the Table to this regulation the corresponding heading specified in column 2 of that Table.

Table

Column 1 Regulation	Column 2 Heading
r. 1	**Part 1 — Preliminary**
r. 3	**Part 2 — Licences and permits**
r. 3	**Division 1 — General**
r. 12A	**Division 2 — Needle and syringe programme**
r. 15	**Division 3 — Restrictions and obligations**
r. 19	**Part 3 — Containers and labels**
r. 19	**Division 1 — Containers**
r. 21	**Division 2 — Labels**
r. 25	**Division 3 — General**
r. 30	**Part 4 — Storage, disposal and loss or theft of poisons**
r. 33	**Part 5 — Sale, supply and use of poisons**
r. 33	**Division 1 — Restrictions**
r. 36	**Division 2 — Fourth Schedule poisons**
r. 41	**Division 3 — General**
r. 42	**Part 6 — Drugs of addiction**
r. 42	**Division 1 — General**
r. 51	**Division 2 — Supply and prescription**
r. 51	**Subdivision 1 — Prescriptions generally**
r. 51A	**Subdivision 2 — Supply and prescription to drug addicts**
r. 51G	**Subdivision 3 — Supply and prescription of certain substances**
r. 52	**Division 3 — Dispensing and delivery**

Column 1 Regulation	Column 2 Heading
r. 56	**Division 4 — Safe custody**
r. 57	**Division 5 — Restrictions on supply**
r. 59	**Part 7 — Miscellaneous provisions**

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.