

HE303

POISONS ACT 1964
POISONS AMENDMENT REGULATIONS 1997

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Poisons Amendment Regulations 1997*.

Principal regulations

2. In these regulations the *Poisons Regulations 1965** are referred to as the principal regulations.

[* Reprinted as at 4 November 1996.
For amendments to 19 March 1997 see Gazette
29 November 1996.]

Regulation 2 amended

3. Regulation 2 of the principal regulations is amended by inserting in the appropriate alphabetical position the following definitions —

- “
- “**dermatologist**” means a medical practitioner who has qualifications recognized by the Medical Board as appropriate to a specialist in dermatology;
- “**gynaecologist**” means a medical practitioner who has qualifications recognized by the Medical Board as appropriate to a specialist in gynaecology;
- “**Medical Board**” means the Medical Board established under section 4 of the *Medical Act 1894*;
- “**obstetrician**” means a medical practitioner who has qualifications recognized by the Medical Board as appropriate to a specialist in obstetrics;
- “**physician**” means a medical practitioner who has qualifications recognized by the Medical Board as appropriate to a specialist in general medicine;
- ”.

Regulation 35AA repealed

4. Regulation 35AA of the principal regulations is repealed.

Regulation 38C amended

5. Regulation 38C of the principal regulations is amended by deleting the portion of the regulation from and including “supplied except —” to the end of the regulation and substituting the following —

- “
- prescribed except —
- (a) by a gynaecologist or obstetrician;
 - (b) by any other medical practitioner, if authorized in writing by the Commissioner of Health; or
 - (c) by a veterinary surgeon for the purpose of veterinary trials under the direction of a veterinary surgeon.
- ”.

Regulation 38D amended

6. (1) Regulation 38D (1) of the principal regulations is amended by deleting the portion of the subregulation from and including “supplied except —” to the end of the subregulation and substituting the following —

- “ prescribed except by a physician or dermatologist. ”.
- (2) Regulation 38D (1a) is amended by deleting “subregulation (1) (b)” and substituting the following —
- “ a prescription under subregulation (1) ”.
- (3) Regulation 38D (2) is amended by deleting “prescriber” and substituting the following —
- “
- physician or dermatologist who prescribes etretinate or acetretin or a substance containing etretinate or acetretin
- ”.

Regulation 38E amended

7. Regulation 38E of the principal regulations is amended by deleting the portion of the regulation from and including "supplied except —" to the end of the regulation and substituting the following —

"

prescribed except —

- (a) by a veterinary surgeon for use in the treatment of animals;
or
- (b) in the case of dinoprost or dinoprostone or a substance containing dinoprost or dinoprostone —
 - (i) by a physician, gynaecologist or obstetrician; or
 - (ii) by any other medical practitioner, if authorized in writing by the Commissioner of Health.

".

Regulation 38F amended

8. (1) Regulation 38F (1) of the principal regulations is amended by deleting the portion of the subregulation from and including "supplied except —" to the end of the subregulation and substituting the following —

" prescribed except by a physician or dermatologist. "

(2) Regulation 38F (1a) is amended by deleting "subregulation (1) (b)" and substituting the following —

" a prescription under subregulation (1) "

(3) Regulation 38F (2) is amended by deleting "prescriber" and substituting the following —

"

physician or dermatologist who prescribes isotretinoin or a substance containing isotretinoin

".

Regulation 38G amended

9. (1) Regulation 38G (1) of the principal regulations is amended by deleting the portion of the subregulation from and including "supplied except —" to the end of the subregulation and substituting the following —

" prescribed except by a physician or dermatologist. "

(2) Regulation 38G (2) is amended by deleting "subregulation (1) (b)" and substituting the following —

" a prescription under subregulation (1) "

(3) Regulation 38G (3) is amended by deleting "prescriber" and substituting the following —

"

physician or dermatologist who prescribes thalidomide or a substance containing thalidomide

".

Regulation 38H amended

10. Regulation 38H of the principal regulations is amended by deleting the portion of the regulation from and including "supplied except —" to the end of the regulation and substituting the following —

"

prescribed except —

- (a) by a medical practitioner for human use; or

- (b) by a veterinary surgeon for use in or on an animal not used for meat, edible offal, egg or milk production.

Regulation 38I amended

11. Regulation 38I of the principal regulations is amended by deleting the portion of the regulation from and including "supplied except —" to the end of the regulation and substituting the following —

"

prescribed except —

- (a) by a physician, gynaecologist or obstetrician;
- (b) by any other medical practitioner, if authorized in writing by the Commissioner of Health; or
- (c) by a veterinary surgeon for the purpose of veterinary trials under the direction of a veterinary surgeon.

Regulation 38K amended

12. Regulation 38K of the principal regulations is amended by deleting the portion of the regulation from and including "supplied except —" to the end of the regulation and substituting the following —

"

prescribed except by a veterinary surgeon for use in the treatment of pigeons.

Regulation 38L amended

13. Regulation 38L of the principal regulations is amended by deleting the portion of the regulation from and including "supplied except —" to the end of the regulation and substituting the following —

"

prescribed except by a veterinary surgeon for use in the treatment of fish.

Regulation 38M amended

14. Regulation 38M of the principal regulations is amended by deleting the portion of the regulation from and including "supplied except —" to the end of the regulation and substituting the following —

"

prescribed except —

- (a) by a psychiatrist; or
- (b) by any other medical practitioner, if required for the treatment of a patient in a hospital and authorized in writing by the Commissioner of Health.

Regulation 38N amended

15. Regulation 38N of the principal regulations is amended by deleting the portion of the regulation from and including "supplied except —" to and including "milk production." and substituting the following —

"

prescribed except —

- (a) by a medical practitioner for human use; or

- (b) by a veterinary surgeon for use in the feeding or treatment of an animal not used for meat, edible offal, egg or milk production.

”

Regulation 40 amended

16. (1) Regulation 40 (1) of the principal regulations is amended by deleting “Until” and substituting the following —

“ Subject to subregulation (1aa), until ”.

(2) After regulation 40 (1) the following subregulation is inserted —

“

(1aa) A medical practitioner is not authorized under subregulation (1) to procure a poison included in Schedule 4 and referred to in a regulation listed in the Table to this subregulation, unless the medical practitioner is authorized under that regulation to prescribe the poison.

TABLE

regulation 38C
regulation 38D
regulation 38E
regulation 38F

regulation 38G
regulation 38I
regulation 38M

”

Regulation 51AA amended

17. Regulation 51AA of the principal regulations is amended by inserting after “medical practitioner”, in both places where it occurs, the following —

“ or dentist ”.

Regulation 51B repealed and a regulation substituted

18. Regulation 51B of the principal regulation is repealed and the following regulation is substituted —

“

Drug addicts: medical practitioner or dentist not to prescribe or supply drugs of addiction without written authorization

51B. (1) A medical practitioner or dentist shall not write, issue or authorize a prescription or document prescribing the use, sale or supply of a drug of addiction, or supply a drug of addiction, for the treatment of a person —

- (a) who is a drug addict; or
- (b) who has been named as a drug addict by the Commissioner of Health by notice forwarded to the medical practitioner or dentist,

unless the medical practitioner or dentist has first obtained written authorization to do so from the Commissioner of Health.

(2) In this regulation —

“drug of addiction” includes methadone only if prescribed or supplied by a dentist.

”

Regulation 51C amended

19. Regulation 51C of the principal regulations is amended by inserting a comma after “methadone” in both places where it occurs.

Regulation 51F amended

20. Regulation 51F (1) of the principal regulations is amended by deleting "or supply a poison included in Schedule 8" and substituting the following —

"

prescribing the use, sale or supply of a poison included in Schedule 8, or supply a poison included in Schedule 8,

".

Regulation 51H repealed and a regulation substituted

21. Regulation 51H of the principal regulations is repealed and the following regulation is substituted —

"

Dentists not to prescribe or supply certain drugs of addiction

51H. (1) A dentist shall not write, issue or authorize a prescription or document prescribing the use, sale or supply of a poison included in Schedule 8, or supply a poison included in Schedule 8, unless the poison is also included in the Commonwealth Schedule under the heading "Preparations which may be prescribed by participating dental practitioners for dental treatment only".

(2) A dentist shall not write, issue or authorize a prescription or document prescribing the use, sale or supply of a poison included in Schedule 8, or supply a poison included in Schedule 8, for the treatment of a person for a period in excess of 7 days, or for periods that in the aggregate over the preceding 12 months exceed 60 days, unless the dentist has first obtained written authorization to do so from the Commissioner of Health.

(3) In subregulation (1) —

"Commonwealth Schedule" means the document "Schedule of Pharmaceutical Benefits", as published from time to time by the Commonwealth Government for the purposes of Part VII of the *National Health Act 1953* of the Commonwealth.

".

Appendix G amended

22. Appendix G to the principal regulations is amended —

(a) in the item relating to Form 3 —

(i) by deleting "150" and substituting the following —

" 200 "; and

(ii) by deleting "125" and substituting the following —

" 175 ";

(b) in the item relating to Form 6 —

(i) by deleting "250" and substituting the following —

" 300 "; and

(ii) by deleting "125" and substituting the following —

" 175 ";

and

(c) in the item relating to Form 7 (in the columns corresponding to paragraph (a) of that item) —

(i) by deleting "250" and substituting the following —

" 300 "; and

(ii) by deleting "125" and substituting the following —

“ 175 ”.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Executive Council.