

HE302

POISONS ACT 1964
POISONS AMENDMENT REGULATIONS 1995

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Poisons Amendment Regulations 1995*.

Principal regulations

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

[* *Reprinted as at 7 February 1993.*
For amendments to 27 January 1995 see 1993 Index to Legislation of Western Australia, Table 4, pp. 206-8, and Gazettes of 26 May, 24 June, 2 and 16 September and 23 December 1994.]

Regulation 52 amended

3. Regulation 52 (3) of the principal regulations is amended in paragraph (m) by deleting "the drug" and substituting the following —

" subject to regulation 64, the drug ".

Heading inserted

4. After regulation 58 of the principal regulations the following heading is inserted —

" MISCELLANEOUS ".

Regulation 64 added

5. After regulation 63 of the principal regulations the following regulation is added —

" **Substitution of one brand of a drug for another**

64. (1) In this regulation —

"approved name", in relation to a poison, means the name for the poison that is listed in the Australian Register of Therapeutic Goods, other than a brand of the poison;

"Australian Register of Therapeutic Goods" means the register of that name maintained under section 17 of the *Therapeutic Goods Act 1989* of the Commonwealth;

"brand", in relation to a poison, means a name given to the poison by a manufacturer of it and listed in the Australian Register of Therapeutic Goods, other than its approved name.

(2) If a prescription issued by a medical practitioner or a dentist prescribes a poison and describes the poison by its approved name, a person dispensing the prescription may dispense or supply any brand of the poison.

(3) Except as provided by this regulation, if a prescription issued by a medical practitioner or a dentist prescribes a poison and describes the poison by reference to a brand of it, a person dispensing the prescription must not dispense or supply the poison other than in accordance with the description in the prescription.

(4) If a prescription issued by a medical practitioner or a dentist prescribes a poison and describes the poison by reference to a brand of it, a person dispensing the prescription may dispense or supply any brand of the poison, unless the prescription shows a contrary intention.

(5) If a prescription issued by a medical practitioner in respect of a patient in a public hospital (as defined in the *Hospitals Act 1927*) prescribes a poison and describes the poison by reference to a brand of it, a person dispensing the prescription may dispense or supply any brand of the poison, whether or not the prescription indicates a contrary intention.

(6) For the purposes of this regulation, a contrary intention is shown on a prescription if it bears the words "No substitution" or words with a similar effect.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.