

HEALTH**HE301****POISONS ACT 1964****POISONS AMENDMENT REGULATIONS 1991**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Poisons Amendment Regulations 1991*.

Principal regulations

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

[*Reprinted in the Gazette of 5 August 1984 at pp. 2987-3078. For amendments to 13 March 1991 see pp. 322-23 of 1989 Index to Legislation of Western Australia and the Gazettes of 8 and 22 June, 17 August and 23 and 30 November 1990.]

Regulation 2 amended

3. Regulation 2 of the principal regulations is amended in the definition of "SUSDP"—

- (a) by deleting "4" and substituting the following—
" 5 ";
- (b) by deleting "up to its 107th Session, June 1989 plus Amendments Nos. 1 and 2"; and
- (c) by inserting after "Committee" the following—
" up to its 85th meeting September 1990 ".

Regulation 8A amended

4. Regulation 8A of the principal regulations is amended by inserting after subregulation (1), the following subregulation—

" (1a) A permit under this regulation may not be issued in respect of a drug declared to be a "specified drug" for the purposes of the Act. ".

Regulation 33B inserted

5. After regulation 33A of the principal regulations, the following regulation is inserted—

Adoption of SUSDP for certain paints

" 33B. If a paint contains a substance listed in Schedule 1 or Schedule 2 to Appendix P of SUSDP, a person shall not manufacture, sell or use that paint except in accordance with that Appendix. ".

Regulation 51A amended

6. Regulation 51A of the principal regulations is amended—

- (a) by deleting "or" at the end of paragraph (b);
- (b) by deleting the full stop at the end of paragraph (c) and substituting the following—
" ; or "; and
- (c) by inserting after paragraph (c) the following paragraph—
" (d) listed in the register of information kept under the *Drugs of Addiction Notification Regulations 1980*. ".

Regulation 51D amended

7. Regulation 51D of the principal regulations is amended—
- (a) in subregulation (1) by deleting "person" everywhere it occurs and substituting the following—
" drug addict "; and
 - (b) in subregulation (2) by deleting "the person" and substituting the following—
" the drug addict ".

Regulation 51E amended

8. Regulation 51E of the principal regulations is amended in subregulation (2) by deleting "3 months" and substituting the following—
" 12 months ".

Regulation 51G repealed and a regulation substituted

9. Regulation 51G of the principal regulations is repealed and the following regulation is substituted—

" 51G. (1) Notwithstanding regulations 51B to 51F, a medical practitioner shall neither supply any of the following substances nor issue, write or authorize a prescription for any of the following substances—

- (a) amphetamine;
- (b) dexamphetamine;
- (c) methylamphetamine;
- (d) methylphenidate;
- (e) phenmetrazine;
- (f) the salts of any of those drugs of addiction; or
- (g) a preparation or admixture containing any of those drugs of addiction or their salts,

unless subregulation (2) applies or he is authorized under subregulation (3) or, in the case of methylphenidate, subregulation (4).

(2) Subregulation (1) does not apply to the oral use of dexamphetamine or methylphenidate for therapeutic trials of up to 30 days when these are initiated in a teaching hospital as defined in the *Hospitals Act 1927* or at a State Service centre established under section 19 of the *Mental Health Act 1962*.

(3) The chief executive officer of the department may authorize a medical practitioner to supply any substance referred to in subregulation (1) or to issue, write or authorize a prescription for any substance referred to in subregulation (1) for the treatment of a person suffering from—

- (a) narcolepsy;
- (b) brain damage; or
- (c) in the case of a child, behavioural disorders.

(4) The chief executive officer of the department may authorize a medical practitioner to supply methylphenidate or to issue, write or authorize a prescription for methylphenidate for the continued treatment of a person who, before the coming into operation of this regulation, had been approved by the department to be treated with methylphenidate.

(5) The chief executive officer may revoke or amend an authority granted under subregulation (3) or (4). "

Regulation 51J repealed

10. Regulation 51J of the principal regulations is repealed.

Regulation 56 amended

11. Regulation 56 of the principal regulations is amended in subregulation (1) by deleting "regulation 56A" and substituting the following—
" regulations 56A and 56B, ".

Appendix A amended

12. Appendix A to the principal regulations is amended—
- (a) in form 6B by deleting "the aforesaid drugs" and substituting the following—
" such drugs, other than drugs declared to be specified drugs for the purposes of that Act, "; and
 - (b) in form 6C by inserting after "samples containing drugs" the following—
" , other than drugs declared to be specified drugs for the purposes of the Act, ".

By His Excellency's Command,

L. AULD, Clerk of the Council.