

HE306

**POISONS ACT 1964****POISONS AMENDMENT REGULATIONS (No. 3) 1991**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Poisons Amendment Regulations (No. 3) 1991*.

**Principal regulations**

2. In these regulations the *Poisons Regulations 1963\** are referred to as the principal regulations.

[\*Reprinted in the Gazette of 5 August 1984 at pp. 2987-3078. For amendments to 20 June 1991 see pp. 334-336 of the 1989 Index to the Legislation of Western Australia and the Gazette of 12 April 1991.]

**Regulation 37 amended**

3. Regulation 37 of the principal regulations is amended in subregulation (1)—

(a) in paragraph (b) by inserting before "there" the following—

" subject to paragraph (ba) "; and

(b) by deleting paragraph (ba) and substituting the following paragraph—

" (ba) where a prescription is processed on a computer which—

(i) complies with the criteria specified in Appendix L; or

(ii) is recommended by the Poisons Advisory Committee and approved in writing by the Executive Director, Public Health,

the prescription shall contain—

(iii) the information required under paragraph (b) (i) to (v), in a form generated by the computer;

(iv) the endorsement "Issued under the *Poisons Regulations 1965* (Regulation 37 (1) (ba))";

and

(v) the signature of the prescriber in his or her own handwriting; "

**Regulation 38G repealed and a regulation substituted**

4. Regulation 38G of the principal regulations is repealed and the following regulation is substituted—

**Thalidomide for human use**

" 38G. (1) Thalidomide or a substance containing thalidomide shall not be supplied except—

(a) by wholesale dealing; or

(b) on the prescription or order of a medical practitioner specializing in general medicine or dermatology.

(2) Where thalidomide or a substance containing thalidomide is supplied in accordance with subregulation (1) (b) the supplier shall—

(a) when supplying the thalidomide or the substance containing thalidomide to the patient or the agent of the patient provide that person with a leaflet approved by the chief executive officer setting out the hazards associated with the use of thalidomide; and

(b) ensure that the container in which the thalidomide or the substance containing thalidomide is supplied is labelled "WARNING—CAUSES BIRTH DEFECTS".

(3) A prescriber shall ensure that the possibility of pregnancy has been excluded prior to the commencement of treatment and that the patient is informed that she must not become pregnant for a period of one month after completion of treatment. "

**Regulation 41AB inserted**

5. After regulation 41AA of the principal regulations the following regulation is inserted—

**Camphor and Naphthalene**

" 41AB. A person shall not sell or supply camphor or naphthalene in block, ball, disc or pellet form for domestic use unless the blocks, balls, discs or pellets are enclosed in a device which prevents removal or ingestion of the contents during use. "

**Regulation 44 amended**

6. Regulation 44 of the principal regulations is amended in subregulation (5) by inserting after "enter" the following—

" or cause to be entered ".

**Regulation 51 amended**

7. Regulation 51 of the principal regulations is amended in subregulation (1)—

(a) in paragraph (b) by inserting before "the prescription" the following—

" subject to paragraph (ba) "; and

(b) by inserting after paragraph (b) the following paragraph—

" (ba) where a prescription is processed on a computer which—

(i) complies with the criteria specified in Appendix L; or

(ii) is recommended by the Poisons Advisory Committee and approved in writing by the Executive Director, Public Health,

the prescription shall contain—

(iii) the information required under paragraph (b) (i), (iii), (vii) and (viii) in a form generated by the computer;

(iv) the endorsement "Issued under the *Poisons Regulations 1965* (Regulation 51 (1) (ba))";

and

(v) the signature of the prescriber in his or her own handwriting. "

**Appendix J amended**

8. Appendix J to the principal regulations is amended by deleting the following poison—

" Nystatin, when included in the Third Schedule. "

**Appendix L inserted**

9. After Appendix K of the principal regulations the following Appendix is inserted—

## APPENDIX L

(Regulations 37 and 51)

## SPECIFIED CRITERIA FOR THE GENERATION OF PRESCRIPTIONS BY COMPUTER

1. The computer system shall be designed so that—

(a) the prescription can be generated by the prescriber only;

(b) the prescription is printed on a form which is pre-printed with the name and address and contact telephone number of the prescriber OR which is pre-printed with at least the address and contact telephone number of the practice and the system individually prints the name of the prescriber at the foot of the prescription when the prescription is being generated;

(c) either a statement is printed on each prescription form indicating the total number of items prescribed on that form, or the area on the prescription form below the prescriber's signature is scored, hatched or otherwise marked to prevent any other item being printed in that area;

(d) the directions for use must be determined and included on each occasion by the prescriber;

(e) the particulars of any prescription issued are included in the clinical or prescription record of the person or animal for whom the prescription was generated;

(f) a number which uniquely identifies each prescription form is printed on the form which is related to the clinical or prescription record of the person or animal for whom that prescription was generated;

(g) the clinical or prescription record of the person or animal for whom the prescription was issued is preserved for at least one year from the date on which the prescription was generated and can be accessed when required.

2. For Eighth Schedule prescriptions, the words, "The prescriber must write these prescription details in his or her own handwriting" shall be printed by the system immediately below the computer-printed details, and the system shall allow space on the prescription for these handwritten details. "

By His Excellency's Command,

L. M. AULD, Clerk of the Council.