

HE302

HEALTH ACT 1911
HEALTH (DRUGS AND ALLIED SUBSTANCES) AMENDMENT
REGULATIONS 1990

Made by His Excellency the Governor in Executive Council on the advice of the Drug Advisory Committee.

Citation

1. These regulations may be cited as the *Health (Drugs and Allied Substances) Amendment Regulations 1990*.

Principal regulations

2. In these regulations the *Health (Drugs and Allied Substances) Regulations 1961** are referred to as the principal regulations.

[*Published in the Gazette of 4 January 1962 at pp. 1-67. For amendment to 14 November 1990 see pp.257-261 of 1989 Index of Legislation of Western Australia.]

Regulation A.01 amended

3. Regulation A.01 of the principal regulations is amended by deleting "A.01 INTERPRETATION AND LABELS" and substituting the following heading—

" PART A—INTERPRETATION AND LABELS ".

Part B inserted

4. After Part A of the principal regulations the following Part is inserted—

" PART B—SALE AND USE OF KITS OR SYSTEMS FOR
TESTING THE PRESENCE OF HIV

Definitions

B.01.001. In this Part, unless the contrary intention appears—

"authorized" means authorized in writing by the Executive Director, Public Health to use or direct the use of kits or systems for testing for the presence of human immunodeficiency virus, its antibodies and antigens;

"HIV" means human immunodeficiency virus, its antibodies and antigens.

Prescription under section 245 of the Act

B.01.002. For the purposes of section 245 of the Act a substance or compound comprising a kit or system for testing for the presence of HIV is a therapeutic substance when the kit or system is used for the prescribed purpose of testing for the presence of HIV.

Persons to be authorized

B.01.003. A person shall not use a kit or system for testing for the presence of HIV unless the person—

(a) is authorized; or

(b) acts under the direction of a person who is authorized.

Sale or supply of kits or systems prohibited unless to authorized person

B.01.004. A person who sells or supplies a kit or system for testing for the presence of HIV shall ensure that the person to whom the kit or system is sold or supplied is authorized. "

Regulation S.01 amended

5. Regulation S.01 of the principal regulations is amended by deleting "S.01. SUBSTANCES FOR USE AS DISINFECTANTS, GERMICIDES, ANTISEPTICS, DEODORANTS, AND THE LIKE." and substituting the following heading—

“ PART S—SUBSTANCES FOR USE AS DISINFECTANTS, GERMICIDES, ANTISEPTICS, DEODORANTS AND THE LIKE ”.

Regulation Z.01 amended

6. Regulation Z.01 of the principal regulations is amended—

(a) by deleting "Z.01 OFFENCES AND PENALTIES" and substituting the following heading—

“ PART Z—OFFENCES AND PENALTIES ”; and

(b) in the Table to subregulation Z.01.002 by inserting after "Subregulations" the following—

“ B.01.004, ”.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.
