

POISONS ACT 1964**POISONS AMENDMENT REGULATIONS 1990**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Poisons Amendment Regulations 1990*.

Principal regulations

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

[*Reprinted in the Gazette of 5 August 1987 at pages 2987-3078. For amendments to 23 April 1990 see page 337 of 1988 Index to Legislation of Western Australia and the Gazettes of 2 and 16 June, 25 August and 6 October 1989.]

Regulation 2 amended

3. Regulation 2 of the principal regulations is amended by deleting the definition of "Poisons Cupboard" and substituting the following definition—

" "Poisons Cupboard" means a substantially made cupboard provided with an effective locking device and, except in the case of a cupboard used for the storage of a drug of addiction, having the word "Poison" conspicuously painted on the outside of the cupboard; "

Regulation 36 amended

4. Regulation 36 of the principal regulations is amended—

(a) by repealing subregulation (1) and substituting the following subregulation—

" (1) Subject to the Act and these regulations, a person shall not sell or supply a Fourth Schedule drug to any person unless—

(a) he or she—

(i) is satisfied that the person to whom the drug is sold or supplied is authorized under regulation 40 (1) to procure the drug; and

(ii) receives from that person a written order in accordance with regulation 40 (1a) or makes a record under regulation 41B;

(b) the person to whom the drug is sold or supplied is the holder of a prescription written by a medical practitioner, dentist or veterinary surgeon prescribing the drug according to the requirements of these regulations; or

(c) satisfied that the person to whom the drug is sold or supplied is under medical treatment with the drug and requires emergency treatment with the drug and does not sell or supply to that person more than—

(i) 3 days medication of the drug; or

(ii) where the drug is supplied in prepacked individual packs, one individual standard pack. "

and

(b) by inserting after subregulation (1) the following subregulation—

" (1a) A person who has received a written order under subregulation (1) (a) (ii) shall keep that order for at least 2 years from the time he or she received it and produce it at any time during the 2 years from the time he or she received it when required to do so by the Executive Director. "

Regulation 40 amended

5. Regulation 40 of the principal regulations is amended—

(a) in subregulation (1), by inserting after “procure” the following—

“ , in accordance with subregulation (1a), ”;

(b) by inserting after subregulation (1) the following subregulation—

“ (1a) A person authorized under subregulation (1) to procure a Fourth Schedule drug shall, unless a record is made under regulation 41B in relation to the procurement of the drug, provide a written order to the person from whom he or she is attempting to procure the drug, setting out—

(a) the name, address and signature of the authorized person;

(b) the date of the order; and

(c) the name and quantity of the drug. ”.

Regulation 41 repealed and a regulation substituted

6. Regulation 41 of the principal regulations is repealed and the following regulation is substituted—

“ 41. A person who sells or supplies a Fourth Schedule drug under regulation 36 (1), other than to the holder of a prescription under regulation 36 (1) (b), may deliver that drug, or cause it to be delivered only—

(a) to the person to whom he or she sold or supplied the drug; or

(b) in accordance with the written directions of a person referred to in paragraph (a). ”.

By His Excellency's Command,

M. WAUCHOPE, Clerk of the Council.
