

HE301*

Poisons Act 1964

Poisons Amendment Regulations (No. 2) 2007

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Poisons Amendment Regulations (No. 2) 2007*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. The regulations amended

The amendments in these regulations are to the *Poisons Regulations 1965**.

[* Reprint 8 as at 5 May 2006.

For amendments to 18 June 2007 see *Western Australian Legislation Information Tables for 2006, Table 4.*]

4. Regulation 35A amended

- (1) Regulation 35A(1a) is repealed and the following subregulations are inserted instead —

“

- (1) The retail sale of a substance included in Schedule 3 shall only be by way of direct, personal sale by a pharmaceutical chemist or graduate trainee in pharmacy under the personal supervision of a pharmaceutical chemist.

- (1a) Before a substance included in Schedule 3 is delivered as part of a retail sale, the pharmaceutical chemist or graduate trainee shall take all reasonable steps to ensure that there is a therapeutic need for the substance.

”.

- (2) Regulation 35A(1c) is amended by inserting after “chemist”, in the second place where it occurs —

“

and, in the case of pseudoephedrine, before it is delivered to the purchaser, the purchaser shall give photographic evidence of his or her identity to the pharmaceutical chemist or graduate trainee, unless the purchaser’s identity is known to the pharmaceutical chemist or graduate trainee

”.

- (3) Regulation 35A(2) is repealed and the following subregulation is inserted instead —

“

- (2) Before a substance referred to in Appendix J is delivered to a purchaser as part of a retail sale, the pharmaceutical chemist or graduate trainee making the sale shall —

- (a) record in the prescription book referred to in regulation 36(3)(c) the following details —

- (i) the date of sale;
- (ii) the name and address of the purchaser;
- (iii) if the person for whom the substance is intended is not the purchaser, the name and address of that other person;

- (iv) the name and quantity of the substance supplied;
- and
- (b) allocate to each sale a unique identification number or alpha-numerical code, and record that number or code in the register; and
- (c) label the product containing the substance with —
 - (i) the name and address of the pharmacy; and
 - (ii) the number or code allocated under paragraph (b).

”.

5. Appendix J amended

Appendix J is amended by deleting “NICOTINE, when included in Schedule 3.” and inserting instead —

“ PSEUDOEPHEDRINE, when included in Schedule 3. ”.

By Command of the Lieutenant-Governor and
deputy of the Governor,

G. M. PIKE, Clerk of the Executive Council.