HE301*

Poisons Act 1964

Poisons Amendment Regulations (No. 3) 2001

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Poisons Amendment Regulations (No. 3) 2001*.

2. The regulations amended

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

[* *Reprinted as at 12 May 2000.*
For amendments to 27 July 2001 see Gazette 29 June 2001.]

3. Regulation 2A amended

Regulation 2A(d) is amended as follows:

(a) by deleting "Appendix P" and inserting instead —

" Appendix I ";

(b) in subparagraph (ii) by deleting "Appendix P" and inserting instead —

" Part 2 ".

4. Regulations 3 and 4 replaced and transitional

(1) Regulations 3 and 4 are repealed and the following regulation is inserted instead —

"

3. Wholesaler's licence

(1) A wholesaler's licence authorises the licensee to procure, manufacture and supply by wholesale dealing specified poisons at or from specified premises.

(2) A wholesaler's licence is to be in the form of Form 1 in Appendix A.

(3) A wholesaler's licence is subject to the condition that any manufacture of a poison under the licence be carried out by —

(a) a specified qualified person or a qualified person authorised under subregulation (4); or

(b) an experienced person acting under the personal supervision of a person referred to in paragraph (a).

(4) A wholesaler's licence is subject to the condition that any supply of a poison under the licence be carried out by —

(a) a specified qualified person or a qualified person authorised under subregulation (4); or

(b) a specified experienced person or an experienced person authorised under subregulation (4).

(5) If a person specified in a wholesaler's licence for the purposes of subregulation (3)(a) or (4) —

(a) ceases to work for the licensee; or

(b) in the case of a qualified person specified for the purposes of subregulation (3), is unable to exercise the necessary supervision,

the Commissioner of Health may in writing authorise another qualified or experienced person (as the case requires) to act in the specified person's stead.

(6) In this regulation —

"specified" means specified in a wholesaler's licence.

".

(2) A licence issued under regulation 4 of the *Poisons Regulations 1965* and in force immediately before the day on which this regulation commences, continues in force on and after that day, as if it were a licence issued under regulation 3 of those regulations as amended by this regulation.

5. Regulation 33B amended

Regulation 33B is amended by deleting "Appendix P" in both places where it occurs and inserting instead —

" Appendix I ".

6. Regulation 38D amended

(1) Regulation 38D(1) is amended by deleting "acetretin" in both places where it occurs and inserting instead —

" acitretin ".

(2) Regulation 38D(1a) is repealed and the following subsection is inserted instead —

"

(1a) Where etretinate or acitretin or a substance containing etretinate or acitretin is supplied in accordance with a prescription under subregulation (1) the supplier shall ensure that the container in which the etretinate or acitretin or the substance containing etretinate or acitretin is supplied, is labelled with a statement as follows —

"WARNING — CAUSES BIRTH DEFECTS".

".

(3) Regulation 38D(2) is amended by deleting "acetretin" in both places where it occurs and inserting instead —

" acitretin ".

7. Regulation 38F amended

Regulation 38F(1a) is repealed and the following subsection is inserted instead —

"

(1a) Where isotretinoin or a substance containing isotretinoin is supplied in accordance with a prescription under subregulation (1) the supplier shall ensure that the container in which the isotretinoin or the substance containing isotretinoin is supplied, is labelled with a statement as follows —

"WARNING — CAUSES BIRTH DEFECTS".

".

8. Regulation 38G amended

Regulation 38G(2) is repealed and the following subsection is inserted instead —

"

(2) Where thalidomide or a substance containing thalidomide is supplied in accordance with a prescription under subregulation (1) the supplier shall ensure that the container in which the thalidomide or the substance containing thalidomide is supplied, is labelled with a statement as follows —

"WARNING — CAUSES BIRTH DEFECTS

DO NOT USE IF PREGNANT

OR LIKELY TO BECOME PREGNANT".

".

9. Regulation 41A amended

(1) Regulation 41A(2) is amended as follows:

(a) in paragraph (b) by deleting ", occupation";

(b) in paragraph (e) by deleting "and purpose".

(2) Regulation 41A(3) is amended as follows:

(a) after paragraph (a) by deleting "or";

(b) at the end of paragraph (b) by deleting the full stop and inserting a semicolon instead;

(c) after paragraph (b) by inserting —

"

or

(c) such other form as the Commissioner of Health approves in writing.

".

10. Regulation 44 amended

After regulation 44(3) the following subregulation is inserted —

"

(3a) An authorised person is to record, or cause to be recorded, in the Register the result of each inventory made by the authorised person under regulation 45 on the day on which the inventory is made.

".

11. Regulation 44B amended

After regulation 44B(1) the following subregulation is inserted —

"

(1a) If a register is maintained on paper, all entries required to be made in the register are to be made in ink.

".

12. Regulation 45 amended

Regulation 45(1) is amended as follows:

(a) at the end of paragraph (c) by deleting the full stop and inserting a comma instead;

(b) by inserting after paragraph (c) —

"

and the result of that inventory is to be recorded in the Register in accordance with regulation 44(3a).

"

13. Appendix A amended

Appendix A is amended by deleting Forms 1 and 2 and inserting the following form instead —

"

Poisons Act 1964
Poisons Regulations 1965, regulation 3

WHOLESALER'S LICENCE **Form 1**

This licence authorises the licensee to procure, manufacture and supply by wholesale dealing the poisons specified in this licence at or from the premises specified in this licence.

Licensee	Name
	Address

Poisons	The poisons included in — ❑ Schedule 1 ❑ Schedule 3 ❑ Schedule 7 ❑ Schedule 2 ❑ Schedule 4 ❑ Schedule 8 to the *Poisons Act 1964*

Manufacturing of poisons (regulation 3(3))	
Premises	
Qualified person	Name Qualifications

Supply of poisons (regulation 3(4))	
Premises	
Qualified person	Name Qualifications
Experienced person	Name Qualifications

Other conditions

Duration of licence	Date of issue Date of expiry

".

14. Appendix G amended

Appendix G is amended by deleting the first 2 items and inserting the following item instead —

"

1.	Wholesaler's Licence	600	850	175	425

".

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.