
HEALTH

HE301*

Poisons Act 1964

Poisons Amendment Regulations 1999

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Poisons Amendment Regulations 1999*.

2. The regulations amended

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

[* Reprinted as at 4 November 1996.

For amendments to 6 January 1999 see 1997 Index to Legislation of Western Australia, Table 4, p. 209-10, and Gazette 17 March, 26 May and 27 November 1998.]

3. Regulation 35D replaced

Regulation 35D is repealed and the following regulation is inserted instead —

“

35D. Advertising of substances included in Schedule 4

A substance included in Schedule 4 shall not be advertised except in a publication that is normally sold or intended for sale or circulation only among —

- (a) persons of the kind referred to in section 23(2) of the Act; or
- (b) persons who are holders of licences granted under section 24(1)(a), (b) or (c) of the Act.

”.

4. Regulations 36A and 36B inserted

After regulation 36 the following regulations are inserted —

“

36A. Storage of substances included in Schedule 4

- (1) A pharmaceutical chemist to whom a substance included in Schedule 4 is supplied shall not store it, or expose or offer it for sale, in any portion of a pharmacy to which persons other than members of the staff of the pharmacy have access.
- (2) Subject to subregulation (3), a medical practitioner, dentist or veterinary surgeon to whom a substance included in Schedule 4 is supplied shall store it in a container, cupboard or room —
 - (a) at the medical practitioner's, dentist's or veterinary surgeon's usual place of practice;
 - (b) that is kept locked; and
 - (c) access to which is available only to the medical practitioner, dentist or veterinary surgeon and persons under his or her personal supervision.
- (3) A medical practitioner, dentist or veterinary surgeon may store substances included in Schedule 4 other than in accordance with subregulation (2) if —
 - (a) they are emergency supplies; and
 - (b) the medical practitioner, dentist or veterinary surgeon has them in his or her actual possession for the purpose of attending patients at places other than at his or her usual place of practice.
- (4) In subregulation (3) —

“emergency supplies” means —

 - (a) in the case of a medical practitioner — the substances described as “Emergency Drug

(Doctor's Bag) Supplies" in the document "Schedule of Pharmaceutical Benefits", as published from time to time by the Commonwealth Government for the purposes of Part VII of the *National Health Act 1953* of the Commonwealth; or

- (b) in the case of a dentist or veterinary surgeon — the substances that are ordinarily carried by dentists or veterinary surgeons who are attending patients at places other than at their usual place of practice.

36B. Record of supply or administration of substances included in Schedule 4

- (1) A medical practitioner, dentist or veterinary surgeon is to record in his or her client record cards every occasion on which he or she —
 - (a) supplies a substance included in Schedule 4 to a person; or
 - (b) administers a substance included in Schedule 4 to a person or animal.
- (2) A record required to be made under subregulation (1) is to include —
 - (a) the name, strength and quantity of the substance supplied or administered;
 - (b) the name and address of the person to whom the substance was supplied or administered, or of the owner of the animal to which the substance was administered; and
 - (c) the date on which the substance was supplied or administered.
- (3) A record required to be made under regulation (1) must be —
 - (a) kept for at least 2 years from the date on which the substance was supplied or administered; and
 - (b) made available for inspection on request by an authorized officer (other than an environmental health officer).

”.

By Command of the Governor,

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