

Queensland



Subordinate Legislation 1999 No. 258

Health Act 1937

HEALTH (DRUGS AND POISONS) AMENDMENT REGULATION (No. 2) 1999

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Short title

1. This regulation may be cited as the *Health (Drugs and Poisons) Amendment Regulation (No. 2) 1999*.

Regulation amended

2. This regulation amends the *Health (Drugs and Poisons) Regulation 1996*.

Amendment of s 18 (How chief executive may deal with applications)

3.(1) Section 18(2)(a) and (b), ‘drug licence or poison licence’—
omit, insert—

‘licence or approval’.

(2) Section 18(3)(a), ‘an authority or licence’—
omit, insert—

‘the relevant authority, licence or approval’.

(3) Section 18(3)(b), ‘authority or licence’—
omit, insert—

‘authority, licence or approval’.

(4) Section 18(4)(b), after ‘of the condition’—
insert—

‘to a Magistrates Court’.

Amendment of s 52 (Anaesthetic assistants and enrolled nurses)

4. Section 52(2), ‘directions’—
omit, insert—

‘instruction’.

Amendment of s 64 (Pharmacists)

5. Section 64(1)(f), after ‘section 122(5)’—

insert—

‘or (6)’.

Amendment of s 78 (Specified condition drugs—amphetamine, dexamphetamine, methylamphetamine, methylphenidate, phenmetrazine)

6.(1) Section 78(1), ‘dispense’—

omit, insert—

‘dispense, obtain’.

(2) Section 78(1)(a), ‘dispenses’—

omit, insert—

‘dispenses, obtains’.

(3) Section 78(1)(b), after ‘dispenses’—

insert—

‘, obtains’.

Amendment of s 79 (Prescribing controlled drugs)

7. Section 79(3)(c), ‘and address’—

omit, insert—

‘, address and date of birth’.

Amendment of s 82 (Conditions of dispensing)

8. Section 82(2)(g), ‘dextromoramide, hydromorphone or’—

omit.

Amendment of s 84 (Dealing with prescriptions and certain written instructions)

9.(1) Section 84(1), after ‘syrup,’—

insert—

‘when supplying’.

(2) Section 84(3), after ‘dispensing’—

insert—

‘or supplying’.

Amendment of s 85 (Labelling dispensed medicines)

10.(1) Section 85(1), after ‘dispensed medicine’—

insert—

‘, or for methadone syrup, supplies it on a written instruction,’.

(2) Section 85(1), after ‘medicine’s’—

insert—

‘or methadone’s’.

(3) Section 85(3)(a), ‘if the dispensed medicine is for human use’—

omit, insert—

‘for dispensed medicine for human use or methadone syrup’.

(4) Section 85(3)(c), (e), (f) and (g), after ‘medicine’—

insert—

‘or methadone syrup’.

Amendment of s 86 (Record of transactions involving controlled drugs to be kept by pharmacist)

11. Section 86(6), after ‘dispenses’—

insert—

‘or supplies’.

Amendment of s 87 (Entries to be made in controlled drugs book)

12. Section 87(1), after ‘dispense’—

insert—

‘or supply’.

Amendment of s 155 (Anaesthetic assistants and enrolled nurses)

13. Section 155(2), ‘directions’—

omit, insert—

‘instruction’.

Amendment of s 159 (Dentists)

14. Section 159(e), after ‘administer’—

insert—

‘or supply’.

Amendment of s 174 (Queensland Ambulance Service)

15.(1) Section 174(1)(c)—

omit, insert—

‘(c) glyceryl trinitrate;’.

(2) Section 174—

insert—

‘(5) Section 174(1)(c) expires on 31 December 1999.’.

Amendment of s 176 (Registered nurses at rural hospitals)

16. Section 176(1), after ‘doctor’s’—

insert—

‘or dentist’s’.

Amendment of s 186 (Acitretin, etretinate, isotretinoin, thalidomide and tretinoin)

17. Section 186, ‘tretinoin’—

omit, insert—

‘tretinoin’.

Amendment of s 189 (Exemptions for some acts involving certain regulated restricted drugs)

18. Section 189(2)(k)—

omit, insert—

‘(k) tretinoin.’.

Amendment of s 196 (Interstate prescriptions)

19. Section 196(2)(e)—

omit.

Amendment of s 200 (Authorised persons to obtain restricted drugs on purchase order)

20. Section 200(2)(d), ‘controlled’—

omit, insert—

‘restricted’.

Amendment of s 201 (Sale of restricted drugs to authorised persons)

21. Section 201(2)(c), ‘owner’—

omit, insert—

‘master’.

Replacement of s 213 (Approval needed for treatment of drug dependent person with restricted drugs of dependency)

22. Section 213—

omit, insert—

‘Approval needed for treatment by doctor of drug dependent person with restricted drugs of dependency

‘213.(1) A doctor must not, without an approval—

- (a) dispense or prescribe a restricted drug of dependency for a person the doctor reasonably believes is a drug dependent person; or
- (b) administer or supply a restricted drug of dependency to or for a drug dependent person.

Maximum penalty—60 penalty units.

‘(2) If a doctor reasonably believes it is necessary for the doctor to treat a drug dependent person, or the doctor proposes to treat a class of drug dependent persons, with a restricted drug of dependency, the doctor must give the chief executive a report in the approved form about—

- (a) if the doctor reasonably believes it is necessary to treat a drug dependent person—the circumstances of the person’s treatment; or
- (b) if the doctor proposes to treat a class of drug dependent persons—the class of drug dependent persons the doctor proposes to treat and the proposed treatment of the persons.

‘(3) The chief executive may ask the doctor to give the chief executive stated additional information about the treatment of the drug dependent person, or class of drug dependent persons, within a stated reasonable time.

‘(4) The doctor must comply with the request, unless the doctor has a reasonable excuse for not complying with it.

Maximum penalty—20 penalty units.

‘(5) If the chief executive is reasonably satisfied that, for the welfare of the drug dependent person, or class of drug dependent persons, it is necessary for the doctor to treat the person, or class of persons, with a restricted drug of dependency, the chief executive may give the doctor a

written approval to administer, dispense, prescribe, supply or use a stated quantity or volume of the restricted drug.

‘(6) Also, if the chief executive is reasonably satisfied that, for the welfare of the drug dependent person, or class of drug dependent persons, it is necessary for the chief executive to give the doctor an oral approval to administer, dispense, prescribe, supply or use a stated quantity or volume of the restricted drug of dependency to or for the person or persons, the chief executive may give the oral approval.

‘(7) However, if the chief executive gives the doctor an oral approval, the chief executive must give the doctor written confirmation of the approval as soon as possible after giving the oral approval.

‘(8) A doctor to whom an approval has been given about a restricted drug of dependency for a drug dependent person, or class of drug dependent persons, must not administer, dispense, prescribe or supply a restricted drug of dependency to, or use a restricted drug of dependency on, the person or persons other than under the approval.

Maximum penalty for subsection (8)—60 penalty units.

‘Approval needed for treatment by dentist of drug dependent person with restricted drugs of dependency

‘213A.(1) A dentist must not, without an approval—

- (a) dispense or prescribe a restricted drug of dependency for a person the dentist reasonably believes is a drug dependent person; or
- (b) administer or supply a restricted drug of dependency to or for a drug dependent person.

Maximum penalty—60 penalty units.

‘(2) If a dentist reasonably believes it is necessary for the dentist to treat a drug dependent person with a restricted drug of dependency the dentist must give the chief executive a report in the approved form about the circumstances of the person’s treatment.

‘(3) The chief executive may ask the dentist to give the chief executive stated additional information about the treatment of the drug dependent person within a stated reasonable time.

‘(4) The dentist must comply with the request, unless the dentist has a reasonable excuse for not complying with it.

Maximum penalty—20 penalty units.

‘(5) If the chief executive is reasonably satisfied that, for the welfare of the drug dependent person, it is necessary for the dentist to treat the person with a restricted drug of dependency, the chief executive may give the dentist a written approval to administer, dispense, prescribe, supply or use a stated quantity or volume of the restricted drug.

‘(6) Also, if the chief executive is reasonably satisfied that, for the welfare of the drug dependent person, it is necessary for the chief executive to give the dentist an oral approval to administer, dispense, prescribe, supply or use a stated quantity or volume of the restricted drug of dependency to or for the person the chief executive may give the oral approval.

‘(7) However, if the chief executive gives the dentist an oral approval, the chief executive must give the dentist written confirmation of the approval as soon as possible after giving the oral approval.

‘(8) A dentist to whom an approval has been given about a restricted drug of dependency for a drug dependent person must not administer, dispense, prescribe or supply a restricted drug of dependency to, or use a restricted drug of dependency on, the person other than under the approval.

Maximum penalty for subsection (8)—60 penalty units.’.

Amendment of s 286 (Prohibition on dispensing or supplying poisons to child under 16)

23.(1) Section 286(2), ‘nurse’—

omit, insert—

‘registered nurse’.

(2) Section 286(3), ‘nurse’—

omit, insert—

‘registered nurse, other than a registered nurse endorsed to practise in an isolated practice area.’.

Amendment of appendix 9 (Dictionary)

24. Appendix 9, definition “**standard**”, ‘prepared by the Australian Health Ministers’ Advisory Council and’—

omit.

ENDNOTES

1. Made by the Governor in Council on 4 November 1999.
2. Notified in the gazette on 5 November 1999.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Health.