

Queensland



Subordinate Legislation 2003 No. 348

Health Act 1937

**HEALTH LEGISLATION AMENDMENT AND
REPEAL REGULATION (No. 1) 2003**

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PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Health Legislation Amendment and Repeal Regulation (No. 1) 2003*.

PART 2—AMENDMENT OF HEALTH (DRUGS AND POISONS) REGULATION 1996

2 Regulation amended in pt 2

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

3 Amendment of s 5 (Meaning of “S2” to “S9”)

(1) Section 5(2)—

omit.

(2) Section 5(3), ‘The expression “S3”,’—

omit, insert—

‘The expression “S2”, “S3”,’.

(3) Section 5(3), as amended—

renumber as section 5(2).

4 Amendment of ch 2, pt 2 hdg

Chapter 2, part 2, heading, ‘AUTHORITIES’—

omit, insert—

‘ENDORSEMENTS’.

5 Amendment of s 52 (Anaesthetic assistants and enrolled nurses)

(1) Section 52(1), ‘This section’—

omit, insert—

‘Subsection (2)’.

(2) Section 52—

insert—

‘(3) Subsection (4) applies to a person (a “**trainee**”) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise as an anaesthetic assistant.

‘(4) To the extent necessary to undergo the course of training, the trainee is authorised to possess a controlled drug, only if the trainee possesses the drug—

- (a) at a hospital, when preparing for, or during, an anaesthetic procedure; and
- (b) under the written instruction of a doctor administering anaesthesia; and
- (c) under the direction and personal supervision of an anaesthetic assistant mentioned in subsection (1)(a).’.

6 Amendment of s 56 (Dentists)

Section 56—

insert—

‘(3) Subsection (4) applies to a person (a “**trainee**”) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise dentistry.

‘(4) To the extent necessary to undergo the course of training, the trainee is authorised to—

- (a) possess codeine, morphine, oxycodone, papaveretum, pentazocine or pethidine under a dentist’s direction at the place where the dentist practises dentistry; or
- (b) administer codeine, morphine, oxycodone, papaveretum, pentazocine or pethidine, under a dentist’s personal supervision, while the dentist is treating a person.’.

7 Amendment of s 64 (Pharmacists)

Section 64(2)—

omit, insert—

‘(2) A trainee pharmacist is authorised to—

- (a) possess a controlled drug at a dispensary under a pharmacist’s direction; or
- (b) dispense a controlled drug at or from a dispensary under a pharmacist’s direction and personal supervision; or
- (c) administer a controlled drug under a drug therapy protocol at a dispensary under a pharmacist’s direction and personal supervision.’.

8 Replacement of s 69 (Ship’s master)

Section 69—

omit, insert—

‘69 Ship’s master

‘(1) The master of a ship in the State is authorised to obtain a controlled drug for use on the ship, or possess a controlled drug on the ship, to the extent necessary to comply with the *Navigation Act 1912* (Cwlth) or the *Transport Operations (Marine Safety) Act 1994*.

‘(2) Otherwise, the master of a ship in the State is authorised to obtain, possess or administer a controlled drug, only if—

- (a) for obtaining a controlled drug—
 - (i) the purchase order for the drug is signed by a doctor; and
 - (ii) the drug is obtained for use on the ship; or
- (b) for possessing a controlled drug—the drug is possessed for use on the ship; or
- (c) for administering a controlled drug—the drug is administered on the ship—
 - (i) for the treatment of a person in an emergency; and
 - (ii) on a doctor’s oral or written instruction.’.

9 Insertion of new s 70A

After section 70—

insert—

‘70A Trainees in certain occupations

‘(1) This section applies to a person (a **“trainee”**) who is undergoing a course of training, the successful completion of which will qualify the trainee to carry out a relevant occupation.

‘(2) To the extent necessary to undergo the course of training, the trainee is authorised to—

- (a) possess a controlled drug under the direction of an authorised person carrying out the relevant occupation; or
- (b) administer a controlled drug under the personal supervision of an authorised person carrying out the relevant occupation.

‘(3) However, a trainee may only possess or administer a controlled drug under subsection (2), if—

- (a) the authorised person is authorised under this regulation to possess or administer the drug; and
- (b) the trainee possesses or administers the drug under the conditions (if any) that would apply to the possession or administration of the drug by the authorised person.

‘(4) In this section—

“relevant occupation” means an occupation as a doctor, indigenous health worker, midwife, registered nurse, or veterinary surgeon.’.

10 Amendment of s 74 (When endorsement is not needed)

Section 74(2)—

omit, insert—

‘(2) Also, a person (a **“carer”**) does not need an endorsement under this regulation to help another person (an **“assisted person”**) to take a controlled drug that has been supplied for the assisted person as a dispensed medicine, if—

- (a) the assisted person asks for the carer’s help to take the dispensed medicine; and

- (b) the carer helps the assisted person to take the dispensed medicine under the directions on the label attached to the dispensed medicine's container.'

11 Amendment of s 79 (Prescribing controlled drugs)

(1) Section 79(2), 'A prescription'—

omit, insert—

'Subject to subsection (3), a prescription'.

(2) Section 79(3) to (7)—

renumber as section 79(4) to (8).

(3) Section 79—

insert—

'(3) A prescription for a controlled drug may prescribe more than 1 item if each item is for the same controlled drug, including different forms of the drug.'

(4) Section 79(4)(g), as renumbered—

omit, insert—

'(g) the dose to be taken or administered and if more than 1 item is prescribed the dose to be taken or administered for each item.'

(5) Section 79(4)(j), as renumbered, 'dextromoramide, hydromorphone or'—

omit.

(6) Section 79—

insert—

'(9) If a prescription prescribes more than 1 item—

- (a) the items must be numbered consecutively; and
(b) a line must be ruled under the last item.'

12 Amendment of s 82 (Conditions of dispensing)

(1) Section 82(2)(b) to (h)—

renumber as section 82(2)(c) to (i).

(2) Section 82(2)—

insert—

‘(b) the dispenser knows, or ought reasonably to know, the prescription was obtained because of false information given to the prescriber; or’.

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

(1) Section 84(3A) from ‘forward’ to ‘executive’—

omit, insert—

‘give the chief executive a written notice of the relevant information for the prescription’.

(2) Section 84(3A)—

renumber as section 84(8).

(3) Section 84(4) to (7)—

renumber as section 84(10) to (13).

(4) Section 84(3)—

omit, insert—

‘(3) The dispenser must send the chief executive the prescription or written instruction—

(a) in paper form; or

(b) in an approved electronic form by electronic means.

‘(4) If the dispenser sends the prescription or written instruction under subsection (3)(a), the dispenser must—

(a) for a repeat prescription—send the prescription within 14 days after dispensing the controlled drug on the final repeat of the prescription; or

(b) for another prescription—send the prescription within 14 days after dispensing the controlled drug; or

- (c) for a written instruction—send the instruction within 14 days after carrying out the final administration or supply of the controlled drug on the instruction.

Maximum penalty—40 penalty units.

‘(5) If the dispenser sends the prescription or written instruction under subsection (3)(b), the dispenser must—

- (a) send the prescription or written instruction—
- (i) for a repeat prescription—within 14 days after the end of each month in which the controlled drug is dispensed on a repeat, including the final repeat, of the prescription; or
 - (ii) for another prescription—within 14 days after the end of the month in which the controlled drug is dispensed; or
 - (iii) for a written instruction—within 14 days after the end of the month in which the final administration or supply of the controlled drug on the instruction is carried out; and
- (b) keep the prescription or written instruction in paper form.

Maximum penalty—40 penalty units.

‘(6) Also, even if a dispenser has sent the chief executive a prescription or written instruction in an approved electronic form, the chief executive may give a written notice to the dispenser requiring the dispenser to send the chief executive the prescription or written instruction in paper form within the period, of at least 14 days, stated in the notice.

‘(7) The dispenser must comply with a notice given to the dispenser under subsection (6).

Maximum penalty—40 penalty units.’.

(5) Section 84—

insert—

‘(9) Subsection (8) does not apply if the dispenser sends the repeat prescription to the chief executive in an approved electronic form under subsection (5)(a)(i).’.

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

(1) Section 87(1), ‘record’—

omit, insert—

‘enter’.

(2) Section 87(2), from ‘entry’—

omit, insert—

‘entry—

- (a) for a transaction for the administration or supply of a controlled drug on a written instruction under a drug therapy protocol—not later than 7 days after the end of the month in which the final administration or supply of the drug on the instruction is carried out; or
- (b) otherwise—
 - (i) on the day of the transaction; and
 - (ii) if there is more than 1 transaction on a day—in the order in which the transactions happen.

Maximum penalty—40 penalty units.’.

15 Amendment of s 90 (Sale of controlled drugs to authorised persons)

Section 90(2)(b) and (c)—

omit, insert—

- ‘(b) the person receives from the ship’s master a purchase order for the controlled drug, that is signed by—
 - (i) if the ship’s master is authorised to obtain the drug under section 69(2)¹—a doctor; or
 - (ii) otherwise—the ship’s master.’.

16 Amendment of s 93 (Dealing with purchase orders)

(1) Section 93(1)(b)—

omit, insert—

¹ Section 69 (Ship’s master)

- (b) sign the order; and
- (c) send the order to the chief executive—
 - (i) in paper form—within 14 days after selling the drug; or
 - (ii) in an approved electronic form by electronic means—within 14 days after the end of the month in which the drug is sold; and
- (d) if the pharmacist or authorised person sends the order under paragraph (c)(ii)—keep the order in paper form.’.

(2) Section 93(2) to (4)—

omit, insert—

‘**(2)** If a person, other than a pharmacist or an authorised person mentioned in subsection (1), sells a controlled drug on a purchase order, the person must—

- (a) write on the front of the order the date the drug is sold; and
- (b) sign the order; and
- (c) keep the order in paper form; and
- (d) if the order is from a dentist, doctor or veterinary surgeon—send to the chief executive—
 - (i) a copy of the order in paper form—within 14 days after selling the drug; or
 - (ii) an approved electronic form of the order by electronic means—within 14 days after the end of the month in which the drug is sold.

Maximum penalty—40 penalty units.’.

(3) Section 93(5)—

renumber as section 93(3).

17 Amendment of s 119 (Storage of controlled drugs generally)

Section 119(6), ‘as a carer’—

omit, insert—

‘in caring’.

18 Amendment of s 131 (Advertising controlled drugs)

Section 131(2)—

insert—

- ‘(c) a price list that complies with the document called ‘Price Information Code of Practice’, published by the department, as in force from time to time.’².

19 Amendment of s 155 (Anaesthetic assistants and enrolled nurses)

(1) Section 155(1), ‘This section’—

omit, insert—

‘Subsection (2)’.

(2) Section 155—

insert—

‘(3) Subsection (4) applies to a person (a “**trainee**”) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise as an anaesthetic assistant.

‘(4) To the extent necessary to undergo the course of training, the trainee is authorised to possess a restricted drug, only if the trainee possesses the drug—

- (a) at a hospital, when preparing for, or during, an anaesthetic procedure; and
- (b) under the written instruction of a doctor administering anaesthesia; and
- (c) under the direction and personal supervision of an anaesthetic assistant mentioned in subsection (1)(a).’.

20 Amendment of s 162 (Enrolled nurses)

(1) Section 162(1)(b)—

omit, insert—

² A copy of this document may be obtained from the department’s website at <http://www.health.qld.gov.au>

- (b) administer a restricted drug, other than an anaesthetic—
 - (i) on a dentist’s or doctor’s oral or written instruction; and
 - (ii) under the personal supervision of a dentist, doctor or registered nurse; or’.

(2) Section 162(1)(c), from ‘registered nurse’—

omit, insert—

‘dentist, doctor or registered nurse.’.

(3) Section 162(2)—

renumber as section 162(4).

(4) Section 162—

insert—

‘(2) Subsection (3) applies to a person (a “**trainee**”) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise as an enrolled nurse.

‘(3) To the extent necessary to undergo the course of training, the trainee is authorised to—

- (a) possess a restricted drug under the direction of an enrolled nurse mentioned in subsection (1) at the place where the enrolled nurse practises nursing; or
- (b) administer a restricted drug, other than an anaesthetic—
 - (i) on a dentist’s or doctor’s oral or written instruction; and
 - (ii) under the personal supervision of a dentist, doctor or registered nurse; or
- (c) administer a restricted drug to a person for whom it has been dispensed and under the personal supervision of a dentist, doctor or registered nurse.’.

21 Amendment of s 171 (Pharmacists)

Section 171(2)—

omit, insert—

‘(2) A trainee pharmacist is authorised to—

- (a) possess a restricted drug at a dispensary under a pharmacist's direction; or
- (b) dispense a restricted drug at or from a dispensary under a pharmacist's direction and personal supervision.'.

22 Amendment of s 177 (School dental therapists)

Section 177—

insert—

'(2) Subsection (3) applies to a person (a "**trainee**") who is undergoing a course of training, the successful completion of which will qualify the trainee to practise as a school dental therapist.

'(3) To the extent necessary to undergo the course of training, the trainee is authorised to use the restricted drugs mentioned in subsection (1)(a) to (d) under the direction and personal supervision of a school dental therapist.'.

23 Replacement of s 178 (Ship's master)

Section 178—

omit, insert—

'178 Ship's master

'(1) The master of a ship in the State is authorised to obtain a restricted drug for use on the ship, or possess a restricted drug on the ship, to the extent necessary to comply with the *Navigation Act 1912* (Cwlth) or the *Transport Operations (Marine Safety) Act 1994*.

'(2) Otherwise, the master of a ship in the State is authorised to obtain, possess or administer a restricted drug, only if—

- (a) for obtaining a restricted drug—
 - (i) the purchase order for the drug is signed by a doctor; and
 - (ii) the drug is obtained for use on the ship; or
- (b) for possessing a restricted drug—the drug is possessed for use on the ship; or
- (c) for administering a restricted drug—the drug is administered on the ship—

- (i) for the treatment of a person in an emergency; and
- (ii) on a doctor's oral or written instruction.'.

24 Insertion of new s 179AA

Before section 179A—

insert—

'179AA Trainees in certain occupations

'(1) This section applies to a person (a **"trainee"**) who is undergoing a course of training, the successful completion of which will qualify the trainee to carry out a relevant occupation.

'(2) To the extent necessary to undergo the course of training, the trainee is authorised to—

- (a) possess a restricted drug under the direction of an authorised person carrying out the relevant occupation; or
- (b) administer a restricted drug under the personal supervision of an authorised person carrying out the relevant occupation.

'(3) However, a trainee may only possess or administer a restricted drug under subsection (2), if—

- (a) the authorised person is authorised under this regulation to possess or administer the drug; and
- (b) the trainee possesses or administers the drug under the conditions (if any) that would apply to the possession or administration of the drug by the authorised person.

'(4) In this section—

"relevant occupation" means an occupation as a dentist, doctor, indigenous health worker, midwife, optometrist, podiatrist, registered nurse or veterinary surgeon.'.

25 Amendment of s 179B (Veterinary nurses)

Section 179B—

insert—

‘(2) Subsection (3) applies to a person (a **“trainee”**) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise as a veterinary nurse.

‘(3) To the extent necessary to undergo the course of training, the trainee is authorised to—

- (a) possess a restricted drug under the direction of a veterinary nurse mentioned in subsection (1) at the place where the veterinary nurse practises veterinary nursing; and
- (b) administer a restricted drug to an animal—
 - (i) under the personal supervision of a veterinary surgeon; or
 - (ii) if the restricted drug is a dispensed medicine, under the directions on the label attached to the dispensed medicine’s container.’.

26 Amendment of s 183 (When endorsement is not needed)

Section 183(2)—

omit, insert—

‘(2) Also, a person (a **“carer”**) does not need an endorsement under this regulation to help another person (an **“assisted person”**) to take a restricted drug that has been supplied for the assisted person as a dispensed medicine, if—

- (a) the assisted person asks for the carer’s help to take the dispensed medicine; and
- (b) the carer helps the assisted person to take the dispensed medicine under the directions on the label attached to the dispensed medicine’s container.’.

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

Section 186(1), from ‘acitretin’ to ‘human oral therapeutic use’—

omit, insert—

‘acitretin or etretinate for human therapeutic use or isotretinoin or tretinoin for human oral therapeutic use’.

28 Amendment of s 193 (Conditions of dispensing)

(1) Section 193(2)(b) to (g)—

renumber as section 193(2)(c) to (h).

(2) Section 193(2)—

insert—

‘(b) the dispenser knows, or ought reasonably to know, the prescription was obtained because of false information given to the prescriber; or’.

29 Amendment of s 198 (Labelling dispensed medicines)

Section 198(3)(k), from ‘etretinate’ to ‘misoprostol’—

omit, insert—

‘bexarotene, etretinate, isotretinoin for oral use, leflunomide, levocabastine, misoprostol, tretinoin for oral use or thalidomide’.

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

Section 201(2)(b) and (c)—

omit, insert—

‘(b) the person receives from the ship’s master a purchase order for the restricted drug, that is signed by—

(i) if the ship’s master is authorised to obtain the drug under section 178(2)³—a doctor; or

(ii) otherwise—the ship’s master.’.

31 Amendment of s 220 (Advertising of restricted drugs)

Section 220(2)—

insert—

3 Section 178 (Ship’s master)

‘(c) a price list that complies with the document called ‘Price Information Code of Practice’, published by the department, as in force from time to time.⁴’.

32 Amendment of ch 4, pt 2 hdg

Chapter 4, part 2 heading, ‘**PERMITS**’—

omit, insert—

‘PERMITS FOR CYANIDE AND STRYCHNINE’.

33 Omission of ch 4, pt 2, div 1

Chapter 4, part 2, division 1—

omit.

34 Renumbering of ch 4, pt 2, divs 2 and 3

Chapter 4, part 2, divisions 2 and 3—

renumber as chapter 4, part 2, divisions 1 and 2.

35 Replacement of s 239 (Permits for cyanide purchased outside the state)

Section 239—

omit, insert—

‘239 Cyanide permit required for cyanide obtained outside the State

‘(1) This section applies to a person who—

- (a) obtains cyanide from someone in another State; and
- (b) has an interstate permit from the other State for the cyanide.

‘(2) The person—

4 A copy of this document may be obtained from the department’s website at <http://www.health.qld.gov.au>

- (a) must apply for a cyanide permit for the cyanide as soon as possible after the cyanide comes into the person's possession in the State; and
- (b) may only possess the cyanide without a cyanide permit for the time reasonably necessary to obtain a cyanide permit.

Maximum penalty—40 penalty units.

‘(3) Also, the person must—

- (a) as soon as possible after receiving a cyanide permit, attach to it—
 - (i) the interstate permit for the cyanide; and
 - (ii) a document evidencing acquisition of the cyanide; and
- (b) ensure the interstate permit and the document remain attached to the cyanide permit while the cyanide permit is in force.

Maximum penalty—40 penalty units.

‘(4) In this section—

“**interstate permit**” means a permit or other document issued under a law of another State, equivalent to a cyanide permit.’.

36 Amendment of s 240 (Permit conditions)

(1) Section 240(2)(c)(iv)—

omit.

(2) Section 240(2)(c)(v)—

renumber as section 240(2)(c)(iv).

37 Replacement of s 241 (Permits for strychnine purchased outside the state)

Section 241—

omit, insert—

‘**241 Strychnine permit required for strychnine obtained outside the State**

‘(1) This section applies to a person who—

- (a) obtains strychnine from someone in another State; and

(b) has an interstate permit from the other State for the strychnine.

‘(2) The person—

(a) must apply for a strychnine permit as soon as possible after the strychnine comes into the person’s possession in the State; and

(b) may only possess the strychnine without a strychnine permit for the time reasonably necessary to obtain a strychnine permit.

Maximum penalty—40 penalty units.

‘(3) Also, the person must—

(a) as soon as possible after receiving a strychnine permit, attach to it—

(i) the interstate permit for the strychnine; and

(ii) a document evidencing acquisition of the strychnine; and

(b) ensure the interstate permit and the document remain attached to the strychnine permit while the strychnine permit is in force.

Maximum penalty—40 penalty units.

‘(4) In this section—

“**interstate permit**” means a permit or other document issued under a law of another State, equivalent to a strychnine permit.’.

38 Amendment of s 242 (Permit conditions)

(1) Section 242(2)(c)(iv)—

omit.

(2) Section 242(2)(c)(v)—

renumber as section 242(2)(c)(iv).

39 Omission of s 247 (Cane protection and productivity board)

Section 247—

omit.

40 Amendment of s 252 (Enrolled nurses)

(1) Section 252, from ‘registered nurse’—

omit, insert—

‘dentist, doctor or registered nurse.’

(2) Section 252—

insert—

‘(2) Subsection (3) applies to a person (a “**trainee**”) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise as an enrolled nurse.

‘(3) To the extent necessary to undergo the course of training, the trainee is authorised to administer an S2 or S3 poison under the personal supervision of a dentist, doctor or registered nurse.’

41 Amendment of s 256 (Optometrists)

Section 256—

insert—

‘(2) Subsection (3) applies to a person (a “**trainee**”) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise optometry.

‘(3) To the extent necessary to undergo the course of training, the trainee is authorised to administer an S2 poison under the personal supervision of an optometrist.’

42 Amendment of s 257 (Pharmacists)

(1) Section 257(2) and (3)—

omit, insert—

‘(2) A trainee pharmacist may—

- (a) sell an S2 or S7 poison at a dispensary under a pharmacist’s direction; or
- (b) sell an S3 poison at a dispensary under a pharmacist’s direction and personal supervision; or

- (c) dispense an S2 or S3 poison at a dispensary under a pharmacist's direction and personal supervision.'.

43 Amendment of s 259 (Physiotherapists)

Section 259—

insert—

'(2) Subsection (3) applies to a person (a “**trainee**”) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise physiotherapy.

'(3) To the extent necessary to undergo the course of training, the trainee is authorised to administer an S2 poison under the personal supervision of a physiotherapist.'.

44 Amendment of s 260 (Podiatrists)

Section 260—

insert—

'(2) Subsection (3) applies to a person (a “**trainee**”) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise podiatry.

'(3) To the extent necessary to undergo the course of training, the trainee is authorised to administer an S2 poison under the personal supervision of a podiatrist.'.

45 Amendment of s 264 (School dental therapists)

Section 264—

insert—

'(2) Subsection (3) applies to a person (a “**trainee**”) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise as a school dental therapist.

'(3) To the extent necessary to undergo the course of training, the trainee is authorised to use the following poisons under the direction and personal supervision of a school dental therapist mentioned in subsection (1)—

- (a) fluorides that are S3 poisons;
- (b) the S2 poisons mentioned in subsection (1)(a) to (d).’.

46 Insertion of new s 264A

After section 264—

insert—

‘264A Ship’s master

‘Subject to section 270(2),⁵ the master of a ship in the State is authorised to administer an S2 or S3 poison on the ship for the treatment of a person in an emergency.’.

47 Insertion of new s 265AA

Before section 265A—

insert—

‘265AA Trainees in certain occupations

‘(1) This section applies to a person (a **“trainee”**) who is undergoing a course of training, the successful completion of which will qualify the trainee to carry out a relevant occupation.

‘(2) To the extent necessary to undergo the course of training, the trainee is authorised to administer an S2 or S3 poison under the personal supervision of an authorised person carrying out the relevant occupation.

‘(3) However, the trainee may only administer a poison under subsection (2), if—

- (a) the authorised person is authorised under this regulation to administer the poison; and
- (b) the trainee administers the poison under the conditions (if any) that would apply to the administration of the poison by the authorised person.

‘(4) In this section—

5 Section 270 (When endorsement is not needed)

“relevant occupation” means an occupation as a dentist, doctor, indigenous health worker, midwife, registered nurse or veterinary surgeon.’.

48 Amendment of s 265B (Veterinary nurses)

Section 265B—

insert—

‘(2) Subsection (3) applies to a person (a **“trainee”**) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise as a veterinary nurse.

‘(3) To the extent necessary to undergo the course of training, the trainee is authorised to administer an S2 or S3 poison to an animal—

- (a) under the personal supervision of a veterinary surgeon; or
- (b) if the S2 or S3 poison is a dispensed medicine, under the directions on the label attached to the dispensed medicine’s container.’.

49 Amendment of s 270 (When endorsement is not needed)

(1) Section 270(1)—

omit, insert—

‘(1) A person (a **“carer”**) does not need an endorsement under this regulation to help another person (an **“assisted person”**) take an S2 or S3 poison that has been supplied for the assisted person, if—

- (a) the assisted person asks for the carer’s help to take the poison; and
- (b) for an S2 poison—the carer helps the assisted person take the poison under the directions for use of the poison; or
- (c) for an S3 poison—the carer helps the assisted person take the poison under the directions on the label attached to the poison’s container.’.

(2) Section 270—

insert—

‘(3) A person does not need an endorsement under this regulation to administer potassium iodide in a product registered under the *Therapeutic Goods Act 1989* (Cwlth), if the person administers the product—

- (a) for the treatment of a person in an emergency; and
- (b) under the directions on the label attached to the product’s container.’.

50 Insertion of new s 270A

After chapter 4, part 4 heading—

insert—

‘270A Approval must not be granted for therapeutic use of S9 poisons

‘The chief executive must not grant an approval to a person to manufacture, obtain, possess or use an S9 poison for human therapeutic use.’.

51 Amendment of s 271 (Prohibition on dispensing etc. regulated poisons)

(1) Section 271(1)(c), ‘permit for cyanide’—

omit, insert—

‘cyanide permit’.

(2) Section 271(1)(d), ‘permit for strychnine’—

omit, insert—

‘strychnine permit’.

(3) Section 271(1)(e), ‘cyanide or strychnine under a permit’—

omit, insert—

‘cyanide under a cyanide permit or strychnine under a strychnine permit’.

(4) Section 271—

insert—

‘(4) Subsection (1) does not apply to a health service employee or a public service employee employed in the department, who obtains or possesses a regulated poison to—

- (a) give the poison to a member of the police service; or
- (b) arrange, in a way authorised by the chief executive, for destruction of the poison.’.

52 Relocation and renumbering of s 273A (Wholesale and retail sales by manufacturers and wholesalers)

Section 273A—

relocate and *renumber*, in chapter 4, part 1, division 6, before section 236, as section 235.

53 Amendment of s 274 (Dispensing or selling S2, S3 or S7 poisons)

Section 274(2), from ‘unless’ to ‘S3 poison.’—

omit, insert—

‘unless the pharmacist receives a purchase order for the poison signed by the ship’s master.’.

54 Amendment, relocation and renumbering of s 280 (Obtaining, possession or use of cyanide)

(1) Section 280(1)(b), after ‘permit’—

insert—

‘for the cyanide’.

(2) Section 280—

insert—

‘(3) Subsection (1)(b) does not apply to possession of cyanide by a person under section 239(2)(b).’.

(3) Section 280—

relocate and *renumber*, in chapter 4, part 2, division 1, as renumbered, after division 1 heading, as section 238.

55 Relocation and renumbering of s 281 (Restriction on sale of cyanide)

Section 281—

relocate and *renumber*, in chapter 4, part 2, division 1, as renumbered, before section 239, as section 238A.

56 Amendment, relocation and renumbering of s 282 (Obtaining, possession or use of strychnine)

(1) Section 282(1)(b), after ‘permit’—

insert—

‘for the strychnine’.

(2) Section 282—

insert—

‘(3) Subsection (1)(b) does not apply to possession of strychnine by a person under section 241(2)(b).’.

(3) Section 282—

relocate and *renumber*, in chapter 4, part 2, division 2, as renumbered, after division 2 heading, as section 240A.

57 Relocation and renumbering of s 283 (Restriction on sale of strychnine)

Section 283—

relocate and *renumber*, in chapter 4, part 2, division 2, as renumbered, before section 241, as section 240B.

58 Amendment of s 292 (Advertising of poisons)

Section 292(2)—

insert—

(d) a price list that complies with the document called ‘Price Information Code of Practice’, published by the department, as in force from time to time.⁶.

59 Amendment of appendix 3 (Who must sign certain purchase orders for controlled or restricted drugs)

(1) Appendix 3, part 1, item 1, column 2, after ‘Service’—

insert—

‘or the commissioner’s delegate’.

(2) Appendix 3, part 1, item 4—

omit, insert—

‘4. a ship in Queensland	if the ship’s master is authorised to obtain the drug under section 69(1)—the ship’s master; or if the ship’s master is authorised to obtain the drug under section 69(2)—a doctor’.
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(3) Appendix 3, part 2, item 1, column 2, after ‘Service’—

insert—

‘or the commissioner’s delegate’.

(4) Appendix 3, part 2, item 4—

omit, insert—

‘4. a ship in Queensland	if the ship’s master is authorised to obtain the drug under section 178(1)—the ship’s master; or if the ship’s master is authorised to obtain the drug under section 178(2)—a doctor’.
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6 A copy of this document may be obtained from the department’s website at <http://www.health.qld.gov.au>

60 Amendment of appendix 4 (Computer generated prescriptions)

(1) Appendix 4, section reference, '79(5)'—

omit, insert—

'79(6)'.

(2) Appendix 4, section 4(1)(d), 'section 79(3)(a)'—

omit, insert—

'section 79(4)(a)'.

(3) Appendix 4, section 4(2), after 'on the form'—

insert—

'below the prescriber's signature'.

(4) Appendix 4, section 5(1), 'section 79(3)(e) to (m)'—

omit, insert—

'section 79(4)(e) to (m)'.

(5) Appendix 4, section 5(2)—

omit.

(6) Appendix 4, section 6, 'section 79(3)(b), (c) and (d)'—

omit, insert—

'section 79(4)(b), (c) and (d)'.

61 Amendment of appendix 6 (Minimum requirements for controlled drug receptacles)

(1) Appendix 6, before section 1—

insert—

'1AA Definition for pt 1

'In this part—

“**cabinet**” includes a safe that can be mounted to a wall but does not include an above-ground safe that is taken, under section 12, to be a secure place.

1AB Certain provisions not applicable to alarm cabinets

(1) Sections 1 to 4 do not apply to an alarm cabinet.

(2) In this section—

“alarm cabinet” means a metal cabinet that is fitted with an alarm that is activated if a person attempting to open the door of the cabinet does not open it in a particular way, including, for example, by using a combination.’.

(2) Appendix 6, sections 6(1), 7(2)(a), 13(1)(a) and 16(4) and (5), ‘12.5’—

omit, insert—

‘12’.

(3) Appendix 6, section 8(2), ‘The bolts and’—

omit, insert—

‘The bolts must be of at least 12 mm diameter and the’.

62 Omission of appendix 6A (Poisons)

Appendix 6A—

omit.

63 Amendment of appendix 7 (Regulated poisons)

(1) Appendix 7, item 3—

insert—

- bifluoride
- hydrofluoric acid
- hydrosilicofluoric acid’.

(2) Appendix 7, item 6, ‘hydrofluoric acid’ and ‘hydrosilicofluoric acid’—

omit.

64 Omission of appendix 7A (Restricted drugs)

Appendix 7A—

omit.

65 Amendment of appendix 9 (Dictionary)

(1) Appendix 9, definitions “carer”, “poison”, “restricted drug” and “written instruction”—

omit.

(2) Appendix 9—

insert—

‘ **“approved electronic form”** means an electronic form approved by the chief executive.

“cabinet”, for appendix 6, part 1, see appendix 6, section 1AA.

“cyanide permit” means a permit granted by the chief executive under this regulation for a person to obtain, possess or use cyanide.

“electronic communication” means a communication of information in the form of data or text by guided or unguided electromagnetic energy.

“electronic means”, in relation to sending a document, means sending the document—

- (a) embodied in a computer disk from which the document can be reproduced; or
- (b) by an electronic communication.

“poison” means—

- (a) an S2, S3, S5, S6, S7 or S9 substance; or
- (b) a substance mentioned in appendix C of the standard.

“restricted drug” means—

- (a) an S4 substance other than solasodine; or
- (b) alkaloids and alkaloidal glycosides of plants of the genus *solanum* for human therapeutic use.

“strychnine permit” means a permit granted by the chief executive under this regulation for a person to obtain, possess or use strychnine.

“trainee pharmacist” means a person who—

- (a) is qualified for general registration under the *Pharmacists Registration Act 2001*, if the person is undertaking—
 - (i) a training course mentioned in section 47(1)(a) of that Act; or
 - (ii) supervised practice mentioned in section 48(a) of that Act; or
- (b) is enrolled in a course, the successful completion of which would qualify the person for general registration under the *Pharmacists Registration Act 2001*.

“written instruction” means any of the following—

- (a) a written direction, other than a prescription or purchase order, signed by a dentist or doctor and on which the date of the direction is shown;
- (b) a standing order signed by a doctor and on which the date of the order is shown;
- (c) a written entry on a patient’s medical records signed and dated by a doctor.’.

PART 3—REPEAL

66 Repeal of certain regulations

The following regulations are repealed—

- Poisons Amendment Regulation (No. 3) 1993 SL No. 345
- Poisons Amendment Regulation (No. 4) 1993 SL No. 415
- Poisons Amendment Regulation (No. 1) 1994 SL No. 50
- Poisons Amendment Regulation (No. 2) 1994 SL No. 107

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- Poisons Amendment Regulation (No. 3) 1994 SL No. 196
 - Health Legislation Amendment Regulation (No. 1) 1994 SL No. 213.
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ENDNOTES

1. Made by the Governor in Council on 18 December 2003.
2. Notified in the gazette on 19 December 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Health.