



Queensland

Health (Drugs and Poisons) Amendment Regulation (No. 1) 2005

Subordinate Legislation 2005 No. 40

made under the

Health Act 1937

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1 Short title

This regulation may be cited as the *Health (Drugs and Poisons) Amendment Regulation (No. 1) 2005*.

2 Regulation amended

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

3 Amendment of s 97 (Oral instruction given by dentist or doctor later to be put in writing)

(1) Section 97, heading—

omit, insert—

‘97 Oral instruction must be put in writing’.

(2) Section 97, ‘dentist or doctor’—

omit, insert—

‘dentist, doctor or nurse practitioner’.

4 Amendment of s 108 (Details to be recorded when controlled drugs administered)

(1) Section 108(1)(b)—

omit.

(2) Section 108(1)(d), ‘was’—

omit, insert—

‘is’.

(3) Section 108(1)(c) to (e)—

renumber as section 108(1)(b) to (d).

5 Insertion of new s 158A

After section 158—

insert—

‘158A Dental hygienists

- ‘(1) To the extent necessary to perform a dental hygienist’s functions under the *Dental Practitioners Registration Act 2001*, section 139A(2)(d)(i) or (ii),¹ a dental hygienist who has successfully completed a relevant course of training is authorised to administer the following restricted drugs—
- (a) lignocaine;
 - (b) prilocaine;
 - (c) felypressin when in preparations containing prilocaine.
- ‘(2) Subsection (3) applies to a person (a *trainee*) who is undergoing a relevant course of training.
- ‘(3) To the extent necessary to undergo the relevant course of training, the trainee is authorised to administer the restricted drugs mentioned in subsection (1)(a) to (c).
- ‘(4) Subsections (1) and (3) are subject to the *Dental Practitioners Registration Act 2001*, section 139A.
- ‘(5) In this section—

code of practice means the document called ‘Practice of Dentistry by Dental Therapists and Dental Hygienists’² approved by the Minister under the *Health Practitioners (Professional Standards) Act 1999*, section 374(3).³

relevant course of training means a course of training—

- (a) for performing a dental hygienist’s function involving the administration of a restricted drug mentioned in subsection (1)(a) to (c); and
- (b) that is approved by the Dental Board of Queensland for the purpose of the code of practice.’

1 *Dental Practitioners Registration Act 2001*, section 139A (Restriction)

2 A copy of this document may be obtained from the Dental Board of Queensland’s website at <www.dentalboard.qld.gov.au>.

3 *Health Practitioners (Professional Standards) Act 1999*, section 374 (Board may develop code of practice)

6 Amendment of s 162 (Enrolled nurses)

Section 162(1)(b)(ii) and (c), and (3)(b)(ii) and (c), ‘doctor’—
omit, insert—
‘doctor, midwife’.

7 Amendment of s 170 (Optometrists)

Section 170—

insert—

- ‘(2) To the extent necessary to practise optometry, an optometrist who has the prescribed qualifications is authorised to—
- (a) obtain a registered restricted drug; or
 - (b) possess a registered restricted drug at the place where the optometrist practises optometry; or
 - (c) if the optometrist is reasonably satisfied a person needs a registered restricted drug for a therapeutic use as part of the person’s ocular care or treatment, do any of the following under an ocular therapeutics protocol—
 - (i) administer or supply the drug to the person;
 - (ii) prescribe the drug for the person.
- ‘(3) In this section—

prescribed qualifications means the qualifications required under an ocular therapeutics protocol to administer, supply or prescribe a restricted drug.

registered restricted drug means a restricted drug included in, or contained in a product included in, the Australian Register of Therapeutic Goods under the *Therapeutic Goods Act 1989* (Cwlth), section 9A.’.

8 Amendment and relocation of s 177 (Dental therapists)

- (1) Section 177(1)—
omit, insert—

- ‘(1) To the extent necessary to perform a dental therapist’s functions under the *Dental Practitioners Registration Act 2001*, section 139A(2)(d)(i) or (ii), a dental therapist is authorised to administer the following restricted drugs—
- (a) demeclocycline and triamcinolone in combination for topical endodontic use;
 - (b) lignocaine;
 - (c) mercury (metallic) for human therapeutic use;
 - (d) prilocaine;
 - (e) felypressin when in preparations containing prilocaine.’.
- (2) Section 177(3)—
omit, insert—
- ‘(3) To the extent necessary to undergo the course of training, the trainee is authorised to administer the restricted drugs mentioned in subsection (1)(a) to (e).
- ‘(4) Subsections (1) and (3) are subject to the *Dental Practitioners Registration Act 2001*, section 139A.’.
- (3) Section 177—
relocate and renumber as section 158B.

9 Amendment of s 186A (Bexarotene)

Section 186A—

insert—

- ‘(c) is a registrar in clinical haematology or medical oncology working directly under the supervision of a specialist in clinical haematology or medical oncology.’.

10 Amendment of s 186B (Thalidomide)

- (1) Section 186B(b)—

omit, insert—

- ‘(b) is a specialist in a prescribed specialty; or

(c) is a registrar in a prescribed specialty working directly under the supervision of a specialist in the prescribed specialty.’.

(2) Section 186B—

insert—

‘(2) In this section—

prescribed specialty means clinical haematology, dermatology, infectious diseases, internal medicine or medical oncology.’.

11 Amendment of s 190 (Prescribing restricted drugs)

Section 190(2)—

insert—

‘(m) if the prescriber is an optometrist—‘For ocular treatment only’.’.

12 Amendment of s 198 (Labelling dispensed medicines)

(1) Section 198(3)(g), ‘dispensed’—

omit, insert—

‘sold’.

(2) Section 198(3)(h), ‘dispenser’s’—

omit, insert—

‘seller’s’.

13 Amendment of s 209 (Exemption of user from keeping records)

Section 209(1)(b), after ‘medical’—

insert—

‘, ocular’.

14 Amendment of s 238 (Obtaining, possession or use of cyanide)

Section 238(3), ‘239(2)(b)’—

omit, insert—

‘239(5)(b)’.

15 Amendment of s 239 (Cyanide permit required for cyanide obtained outside the State)

(1) Section 239, heading and subsection (1)—

omit, insert—

‘239 Requirements for cyanide obtained outside the State

‘(1) This section applies to a person who obtains cyanide from someone in another State.’.

(2) Section 239(2) to (4)—

renumber as section 239(5) to (7).

(3) Section 239—

insert—

‘(2) Subsection (3) applies if the person has a cyanide permit for the cyanide before obtaining the cyanide.

‘(3) The person must—

(a) as soon as possible after obtaining the cyanide, attach to the cyanide permit a document evidencing acquisition of the cyanide; and

(b) ensure the document remains attached to the cyanide permit while the cyanide permit is in force.

Maximum penalty—40 penalty units.

‘(4) Subsections (5) and (6) apply if the person—

(a) does not have a cyanide permit for the cyanide before obtaining the cyanide; and

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

16 Amendment of s 240A (Obtaining, possession or use of strychnine)

Section 240A(3), ‘241(2)(b)’—

omit, insert—

‘241(5)(b)’.

17 Amendment of s 241 (Strychnine permit required for strychnine obtained outside the State)

(1) Section 241, heading and subsection (1)—

omit, insert—

‘241 Requirements for strychnine obtained outside the State

‘(1) This section applies to a person who obtains strychnine from someone in another State.’.

(2) Section 241(2) to (4)—

renumber as section 241(5) to (7).

(3) Section 241—

insert—

‘(2) Subsection (3) applies if the person has a strychnine permit for the strychnine before obtaining the strychnine.

‘(3) The person must—

(a) as soon as possible after obtaining the strychnine, attach to the strychnine permit a document evidencing acquisition of the strychnine; and

(b) ensure the document remains attached to the strychnine permit while the strychnine permit is in force.

Maximum penalty—40 penalty units.

‘(4) Subsections (5) and (6) apply if the person—

(a) does not have a strychnine permit for the strychnine before obtaining the strychnine; and

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

18 Amendment of s 248 (Dental hygienists)

- (1) Section 248, ‘A dental hygienist’—

omit, insert—

‘To the extent necessary to perform a dental hygienist’s functions under the *Dental Practitioners Registration Act 2001*, section 139A(2)(d)(i) or (ii),⁴ a dental hygienist’.

- (2) Section 248—

insert—

- ‘(2) Subsection (1) is subject to the *Dental Practitioners Registration Act 2001*, section 139A.’.

19 Amendment of s 252 (Enrolled nurses)

Section 252(1) and (3), ‘doctor’—

omit, insert—

‘doctor, midwife’.

20 Amendment of s 254 (Local governments)

Section 254(a), from ‘under’ to ‘sell’—

omit, insert—

‘sell under the Act’.

21 Amendment and relocation of s 264 (Dental therapists)

- (1) Section 264(1), ‘A dental therapist’—

omit, insert—

‘To the extent necessary to perform a dental therapist’s functions under the *Dental Practitioners Registration Act 2001*, section 139A(2)(d)(i) or (ii), a dental therapist’.

- (2) Section 264(3), from ‘under the’ to ‘subsection (1)’—

omit.

⁴ *Dental Practitioners Registration Act 2001*, section 139A (Restriction)

(3) Section 264—

insert—

‘(4) Subsections (1) and (3) are subject to the *Dental Practitioners Registration Act 2001*, section 139A.’.

(4) Section 264—

relocate and renumber as section 248A.

22 **Amendment of s 290 (Unsafe disposal of poisons)**

Section 290(3)(b), ‘*Rural Lands Protection Act 1985*’—

omit, insert—

‘*Land Protection (Pest and Stock Route Management) Act 2002*’.

23 **Amendment of appendix 7 (Regulated poisons)**

Appendix 7, item 7, ‘*Rural Lands Protection Act 1985*’—

omit, insert—

‘*Land Protection (Pest and Stock Route Management) Act 2002*’.

24 **Amendment of appendix 9 (Dictionary)**

(1) Appendix 9—

insert—

‘*ocular therapeutics protocol* means a document approved and published by the Optometrists Board of Queensland stating—

(a) the circumstances in which, and conditions under which, an optometrist may administer, supply or prescribe a restricted drug; and

(b) the qualifications that an optometrist must attain before doing a thing mentioned in paragraph (a).’.

(2) Appendix 9, definition *dispensed medicine*—

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insert—

‘(ba) supplied for human therapeutic use by an optometrist who may supply the medicine while practising optometry; or’.

ENDNOTES

- 1 Made by the Governor in Council on 24 March 2005.
- 2 Notified in the gazette on 24 March 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Health.