



Queensland

Health (Drugs and Poisons) Amendment Regulation (No. 3) 2005

Subordinate Legislation 2005 No. 314

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. 3) 2005*.

2 Commencement

- (1) Section 17 commences on 1 April 2006.
- (2) The remaining provisions commence on 1 January 2006.

3 Regulation amended

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

4 Amendment of s 64 (Pharmacists)

Section 64(1)(d)—

omit, insert—

‘(d) possess a controlled drug at a dispensary, an institution or another place at which the pharmacist administers or supplies a controlled drug under paragraph (f); or’.

5 Amendment of s 67 (Registered nurses)

- (1) Section 67(4)(c)(iii) and (iv)—
renumber as section 67(4)(c)(v) and (vi).

- (2) Section 67(4)(c)—

insert—

- ‘(iii) give a rural and isolated practice endorsed nurse an oral or written instruction to administer or supply a controlled drug; or
- (iv) for subsection (3), give a registered nurse an oral or written instruction to supply a controlled drug; or’.

6 Amendment of s 79 (Prescribing controlled drugs)

- (1) Section 79(4)(h), after ‘doctor’—

insert—

‘or nurse practitioner’.

- (2) Section 79(4)(i), after ‘doctor’—

insert—

‘, nurse practitioner’.

7 Amendment of s 81 (Oral prescription)

Section 81, after ‘doctor’—

insert—

‘or nurse practitioner’.

8 Amendment of s 97 (Oral instruction must be put in writing)

- (1) Section 97(2), ‘If a’—

omit, insert—

‘If an indigenous health worker,’.

- (2) Section 97(2), ‘the nurse’—

omit, insert—

‘the indigenous health worker, nurse’.

9 Amendment of s 111 (Records—dentists, doctors, veterinary surgeons)

- (1) Section 111, heading, after ‘doctors,’—

insert—

‘nurse practitioners,’.

- (2) Section 111(1), after ‘doctor’—

insert—

‘, nurse practitioner’.

10 Amendment of s 112 (Records—ambulance officers and rural and isolated practice endorsed nurses)

- (1) Section 112, heading, after ‘officers’—
insert—
‘, indigenous health workers’.
- (2) Section 112(1), (2) and (3), before ‘or rural’—
insert—
‘, indigenous health worker’.
- (3) Section 112(2)(b)(ii)—
renumber as section 112(2)(b)(iii).
- (4) Section 112(2)(b)—
insert—
‘(ii) for an indigenous health worker—full details of each transaction involving a controlled drug administered, obtained or used by the worker; or’.
- (5) Section 112(2)(c), after ‘officer’—
insert—
‘, worker’.
- (6) Section 112(3)(d) and (f), after ‘officer’s’—
insert—
‘, worker’s’.

11 Amendment of s 123 (Self-administration of controlled drugs by authorised persons prohibited)

- (1) Section 123(2)(a)—
omit, insert—
‘(a) a dentist, doctor or nurse practitioner (other than the person) prescribed the drug for, or supplied the drug to, the person; and’.

- (2) Section 123(2)(b), ‘or doctor’—
omit, insert—
‘, doctor or nurse practitioner’.

12 Amendment of s 171 (Pharmacists)

Section 171—

insert—

- ‘(3) During a declared public health emergency in relation to an infectious medical condition, a pharmacist is authorised to administer or supply oseltamivir or zanamivir under a drug therapy protocol.’.

13 Amendment of s 174 (Queensland Ambulance Service)

Section 174—

insert—

- ‘(4) During a declared public health emergency in relation to an infectious medical condition, an ambulance officer who is a paramedic 1, 2, 3, 3 (ECP) or 4 is authorised to obtain, possess, administer or supply oseltamivir or zanamivir under a drug therapy protocol.’.

14 Amendment of s 175 (Registered nurses)

- (1) Section 175(3)(b)(i)—

omit, insert—

‘(i) on the oral or written instruction of a doctor or nurse practitioner; or’.

- (2) Section 175(4)(b)(i)—

omit, insert—

‘(i) on the oral or written instruction of a doctor or nurse practitioner; or’.

(3) Section 175—

insert—

‘(4A) During a declared public health emergency in relation to an infectious medical condition, a registered nurse is authorised to administer or supply oseltamivir or zanamivir under a drug therapy protocol.’.

(4) Section 175(5)(c)(iii) and (iv)—

renumber as section 175(5)(c)(v) and (vi).

(5) Section 175(5)(c)—

insert—

‘(iii) give a rural and isolated practice endorsed nurse an oral or written instruction to administer or supply a restricted drug; or

(iv) for subsection (2A), give a registered nurse an oral or written instruction to supply a restricted drug; or’.

15 Amendment of s 190 (Prescribing restricted drugs)

(1) Section 190(2)(h), after ‘doctor’—

insert—

‘or nurse practitioner’.

(2) Section 190(2)(i), after ‘doctor’—

insert—

‘, nurse practitioner’.

16 Amendment of s 192 (Oral prescription)

Section 192, ‘or doctor’—

omit, insert—

‘, doctor or nurse practitioner’.

17 Amendment of s 196 (Interstate prescriptions)

- (1) Section 196(2)(f)—
renumber as section 196(2)(e).
- (2) Section 196(2)—
insert—
'(f) pseudoephedrine.'

18 Amendment of s 207 (Records of restricted drugs supplied to be kept)

- Section 207(1A)—
insert—
'(c) a nurse practitioner.'

19 Amendment of s 211 (Storage of restricted drugs generally)

- (1) Section 211(2), after 'midwife'—
insert—
' , nurse practitioner'.
- (2) Section 211(3), after 'nurse'—
insert—
' , midwife, nurse practitioner'.

20 Amendment of s 231 (Restrictions on grant of general poison licence)

- Section 231(a)—
omit, insert—
'(a) is a suitable person to sell S2 and S7 poisons; and'.

21 Amendment of s 232 (General licence)

Section 232, from ‘sell’—

omit, insert—

‘sell S2 and S7 poisons.’.

22 Amendment of s 238A (Restriction on sale of cyanide)

Section 238A(2), from ‘a poison’—

omit, insert—

‘a person who is endorsed, under this regulation, to sell cyanide to the following—

- (a) a person who is endorsed, under this regulation, to obtain, possess or use cyanide;
- (b) another person who is endorsed, under this regulation, to sell cyanide.’.

23 Amendment of s 240B (Restriction on sale of strychnine)

Section 240B(2), from ‘a poison’—

omit, insert—

‘a person who is endorsed, under this regulation, to sell strychnine to the following—

- (a) a person who is endorsed, under this regulation, to obtain, possess or use strychnine;
- (b) another person who is endorsed, under this regulation, to sell strychnine.’.

24 Replacement of s 246 (Bases and outposts of Royal Flying Doctor Service)

Section 246—

omit, insert—

‘246 Outposts of Royal Flying Doctor Service

‘The person in charge of an outpost of the Royal Flying Doctor Service of Australia may administer or supply an S2 or

S3 poison at the outpost under an oral or written instruction of a doctor or a nurse practitioner.’.

25 Amendment of s 263 (Registered nurses)

- (1) Section 263(5)(a), after ‘administer’—
insert—
‘or supply’.
- (2) Section 263(5)(b)(i)—
omit.
- (3) Section 263(5)(b)(ii) to (v)—
renumber as section 263(5)(b)(i) to (iv).

26 Amendment of s 277 (Sale of S3 poisons)

- (1) Section 277(1)—
omit, insert—
 - ‘(1) A pharmacist or a person who is approved to dispense a poison under a pharmacist’s direction and personal supervision, (the *seller*) must not sell an S3 poison unless—
 - (a) for S3 pseudoephedrine—
 - (i) the seller is reasonably satisfied the purchaser has a therapeutic need for the S3 pseudoephedrine; and
 - (ii) if the seller does not know the identity of the purchaser—the purchaser gives the seller an acceptable form of identification; or
 - (b) for another S3 poison—the seller is reasonably satisfied—
 - (i) the purchaser has a therapeutic need for the poison; and
 - (ii) of the purchaser’s identity.
- Maximum penalty—40 penalty units.’.

- (2) Section 277(2A) and (5)(d)—
omit.
- (3) Section 277(5)(e) and (f)—
renumber as section 277(5)(d) and (e).
- (4) Section 277—
insert—
- ‘(8) In this section—
acceptable form of identification means a document that—
 - (a) is issued to the purchaser by—
 - (i) the Commonwealth or a State; or
 - (ii) an entity of the Commonwealth or a State; and
 - (b) shows a photograph of the purchaser.’.

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

- (1) Section 286(1)(a), after ‘doctor’—
insert—
‘or nurse practitioner’.
- (2) Section 286(1)(b) and (3), after ‘doctor’s’—
insert—
‘or nurse practitioner’s’.

28 Amendment of appendix 8 (Restricted drugs of dependency)

- Appendix 8, ‘ketamine’—
omit.

29 Amendment of appendix 9 (Dictionary)

- (1) Appendix 9—

insert—

‘declared public health emergency means a declared public health emergency under the Public Health Act 2005.’.

- (2) Appendix 9, definition *written instruction*, paragraph (a), ‘or doctor’—

omit, insert—

‘, doctor or nurse practitioner’.

- (3) Appendix 9, definition *written instruction*, paragraphs (b) and (c), after ‘doctor’—

insert—

‘or nurse practitioner’.

ENDNOTES

- 1 Made by the Governor in Council on 15 December 2005.
- 2 Notified in the gazette on 16 December 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Health.