Queensland

Subordinate Legislation 1998 No. 149

Health Act 1937

HEALTH (DRUGS AND POISONS) AMENDMENT REGULATION (No. 1) 1998

TABLE OF PROVISIONS

Short title

1. This regulation may be cited as the *Health (Drugs and Poisons) Amendment Regulation (No. 1) 1998*.

Commencement

2. Section 68 commences on 19 June 1998.

Regulation amended

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

Amendment of s 17 (Applications—form and fee)

4. Section 17, 'or poison licence'—

omit, insert—

', poison licence or section 122 approval'.

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

5.(1) Section 18(2), 'or poison licence'—

omit, insert—

', poison licence or section 122 approval'.

(2) Section 18(3), 'drug licence or poison licence'—

omit, insert—

'licence or approval'.

(3) Section 18(4), 'an approval under section 122 or 213'—

omit, insert—

'a section 122 approval, or an approval under section 213, '.

(4) Section 18(7), 'licence'—

omit, insert—

'renew the licence or section 122 approval'.

Amendment of s 19 (Renewal of drug licence or poison licence before expiry)

6.(1) Section 19, 'or poison licence'—

omit, insert—

', poison licence or section 122 approval'.

(2) Section 19(1), 'the licence'—

omit, insert—

'the licence or approval'.

Amendment of s 20 (Renewal of drug or poison licences after expiry)

7.(1) Section 20, heading—

omit, insert—

'**Renewal of drug licence, poison licence or section 122 approval after expiry**'.

(2) Section 20(1)(a), 'or poison licence'—

omit, insert—

', poison licence or section 122 approval'.

(3) Section 20(1)(b), (2) and (3), 'licence'—

omit, insert—

'licence or approval'.

Amendment of s 23 (Grounds for suspension or cancellation of authority)

8. Section 23—

insert—

‘(d) the holder of the approval has breached a condition stated in the approval.’.

Amendment of s 30 (Minor amendment of authority)

9.(1) Section 30(3)—

renumber as section 30(4).

(2) Section 30—

insert—

‘**(3)** The notice must state the reasons for the decision.’.

Amendment of s 51 (Authority needed for controlled drugs)

10.(1) Section 51(3), ‘dispense, prescribe’—

omit, insert—

‘dispense, issue, prescribe, purport to prescribe’.

(2) Section 51(3), ‘prescribe or sell the’—

omit, insert—

‘issue, prescribe or sell the’.

Amendment of s 61 (Controlled drug manufacturer or wholesaler)

11. Section 61, heading—

omit, insert—

‘**Manufacturer or wholesaler of controlled drugs**’.

Amendment of s 64 (Pharmacists)

12. Section 64(1)(f), ‘methadone’—

omit, insert—

‘methadone syrup’.

Omission of ss 75 and 76

13. Sections 75 and 76—

omit.

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

14.(1) Section 78(1)—

insert—

'(ba) is a paediatrician or child psychiatrist and prescribes the specified condition drug for the treatment of a child who is at least 4 years but less than 18 years; or'.

(2) Section 78(1)(b)(iii), 'but' to '16 years'—

omit.

Replacement of ch 2, pt 4, hdg

15. Chapter 2, part 4, heading—

omit, insert—

'**PART 4—PRESCRIBING AND DISPENSING CONTROLLED DRUGS**'.

Amendment of s 79 (Writing prescriptions)

16. Section 79, heading—

omit, insert—

'**Prescribing controlled drugs**'.

Amendment of s 82 (Conditions of dispensing)

17. Section 82—

insert—

'**(2A)** Also, a dispenser must not dispense a controlled drug on a computer-generated prescription that has been changed unless the dispenser first contacts the prescriber to check the change is correct.

Maximum penalty—60 penalty units.'.

Amendment of s 84 (Dealing with prescriptions)

18.(1) Section 84, heading—

omit, insert—

'**Dealing with prescriptions and certain written instructions**'.

(2) Section 84(1), 'on prescription'—

omit, insert—

'on prescription or, for methadone syrup, on a written instruction'.

(3) Section 84(1)(a)—

omit, insert—

'(a) write the date on the front of the prescription or written instruction; and

(ab) for a repeat prescription—write the repeat number on the front of the prescription; and'.

(4) Section 84(1) and (3), 'the prescription'—

omit, insert—

'the prescription or written instruction'.

Amendment of s 85 (Labelling dispensed medicines)

19. Section 85(3)(i)—

omit, insert—

' (i) if the medicine is for internal human therapeutic use and is a substance in appendix K[1] of the standard—the warning

1 Appendix K (Drugs required to be labelled with a sedation warning)

statements given for the medicine in appendix F, part 1 of the standard.'.

Amendment of s 86 (Controlled drugs book to be kept)

20.(1) Section 86, heading—

omit, insert—

'**Record of transactions involving controlled drugs to be kept by pharmacist**'.

(2) Section 86(1)—

omit, insert—

'**86.(1)** The pharmacist in charge of a dispensary must keep a record of transactions about controlled drugs in a book (a **"controlled drugs book"**), as required by this section or in another approved way.

Maximum penalty—40 penalty units.'.

Replacement of ch 2, pt 5, hdg

21. Chapter 2, part 5, heading—

omit, insert—

'**PART 5—OBTAINING AND SELLING CONTROLLED DRUGS ON PURCHASE ORDER**'.

Amendment of s 89 (Authorised persons to obtain controlled drugs on purchase order)

22. Section 89(2)—

insert—

'(d) a number that allows the purchase order to be distinguished from other purchase orders used by the person ordering the controlled drug.'.

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

23. Section 90(2)(c), 'owner'—

omit, insert—

'master'.

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

24. Section 97(3)(a), (b) and (c), after 'must'—

insert—

', within 48 hours of becoming aware of the contravention,'.

Amendment of s 99 (Central storer to keep main issue book for controlled drugs)

25. Section 99(1)—

omit, insert—

'**99.(1)** The central storer at an institution must keep a record, in a book (the **"main issue book"**) or in another approved way, for recording transactions about obtaining controlled drugs into, and issuing controlled drugs from, the central storage point.

Maximum penalty—40 penalty units.'.

Amendment of s 100 (Details to be recorded when controlled drugs obtained by central storer)

26.(1) Section 100(1)(d), 'from'—

omit, insert—

'for'.

(2) Section 100(1)—

insert—

'(f) the quantity or volume of the controlled drug supplied to a unit storer.'.

Amendment of s 101 (Unit storer to keep ward drugs book for controlled drugs)

27. Section 101(1), 'A unit' to 'about'—

omit, insert—

'A unit storer must keep a record of transactions, in a book (the **"ward drugs book"**) or in another approved way, about'.

Amendment of s 106 (Single storer to keep single storage book for controlled drugs)

28. Section 106(1)—

omit, insert—

'**106.(1)** A single storer of controlled drugs must keep a record of transactions, in a book (the **"single storage book"**) or another approved way, about obtaining controlled drugs into, and administering controlled drugs from, the storage point.

Maximum penalty—40 penalty units.'.

Amendment of s 109 (Records of controlled drugs supplied to be kept)

29. Section 109(2), after 'pages'—

insert—

', or in another approved way'.

Insertion of new s 116A

30. After section 116—

insert—

'**Discrepancy to be immediately reported to chief health officer**

'**116A.** If, under this division, a person is required to keep records about transactions in controlled drugs, and the person finds a discrepancy between the quantity or volume of a class of controlled drug kept by the person and the balance shown in the person's records for the drug, the person must

immediately give written notice of the discrepancy to the chief health officer.

Maximum penalty—40 penalty units.'.

Amendment of s 122 (Approval needed for treating drug dependent person with controlled drugs

31.(1) Section 122(2)—

omit, insert—

'**(2)** If a doctor reasonably believes that it is necessary for the doctor to treat a drug dependent person, or the doctor proposes to treat a class of drug dependent persons, the doctor must give the chief health officer a report in the approved form about—

(a) if the doctor reasonably believes that 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.

Maximum penalty—40 penalty units.'.

(2) Section 122(3), 'person'—

omit, insert—

'person or class of persons'.

(3) Section 122(5) and (6)—

omit, insert—

'**(5)** If the chief health officer is reasonably satisfied that, for the welfare of the drug dependent person or class of drug dependent person, it is necessary for the doctor to treat the person or persons with a controlled drug, the chief health officer may give the doctor written approval to administer, dispense, prescribe, supply or use a stated quantity or volume of the controlled drug.

'**(6)** Also, if the chief health officer is reasonably satisfied that, for the welfare of the drug dependent person or class of drug dependent persons, it

is necessary for the chief health officer to give the doctor an oral approval to administer, dispense, prescribe, supply or use a stated quantity or volume of the controlled drug to or for the person or persons, the chief health officer may give the oral approval.'.

(4) Section 122(8)—

omit, insert—

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

Maximum penalty—60 penalty units.

'**(9)** A written approval given under this section expires 1 year after the day on which it is given.'.

Amendment of s 127 (Improper use of prescriptions for controlled drugs)

32.(1) Section 127(1), 'a prescription'—

omit, insert—

'a prescription, or document purporting to be a prescription,'.

(2) Section 127(1), 'the prescription'—

omit, insert—

'the prescription or other document'.

Amendment of s 131 (Advertising controlled drugs)

33. Section 131(2)(b), 'a price list'—

omit, insert—

'a price list, advertisement or promotional material'.

Amendment of s 146 (Authority needed for restricted drugs)

34. Section 146(3), 'prescribe or sell a restricted drug'—

omit, insert—

'prescribe, purport to prescribe or sell a restricted drug'.

Amendment of s 154 (Aboriginal and Torres Strait Islander health programs)

35.(1) Section 154, heading—

omit, insert—

'**Indigenous health workers**'.

(2) Section 154, 'Aboriginal or Torres Strait Islander health program'—

omit, insert—

'indigenous health program'.

(3) Section 154, 'the person'—

omit.

(4) Section 154(a), 'has been assessed'—

omit, insert—

'the person has been assessed'.

(5) Section 154(b)—

omit, insert—

'(b) the program in which the person is employed is an approved program.'.

(6) Section 154—

renumber and relocate as section 164A.

Amendment of s 166 (Restricted drug manufacturer or wholesaler)

36. Section 166, heading—

omit, insert—

'**Manufacturer or wholesaler of restricted drugs**'.

Omission of s 184 (Possession etc. of certain regulated restricted drugs)

37. Section 184—

omit.

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

38.(1) Section 186, heading, 'and thalidomide'—

omit, insert—

', thalidomide and trentinoin'.

(2) Section 186, 'or thalidomide'—

omit, insert—

', thalidomide or trentinoin'.

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

39. Section 189(2)—

insert—

'(k) trentinoin.'.

Replacement of ch 3, pt 4, hdg

40. Chapter 3, part 4, heading—

omit, insert—

'**PART 4—PRESCRIBING AND DISPENSING RESTRICTED DRUGS**'.

Amendment of s 193 (Conditions of dispensing)

41. Section 193—

insert—

'**(2A)** Also, a dispenser must not dispense a restricted drug on a computer-generated prescription that has been changed unless the dispenser first contacts the prescriber to check the change is correct.

Maximum penalty—60 penalty units.'.

Amendment of s 198 (Labelling dispensed medicines)

42. Section 198(3)(k)—

omit, insert—

'(k) if the medicine is acetretin, adapalene, etretinate, isotretinoin, thalidomide, tretinoin for oral use, levocabastine or misoprostol—the warning statements given for the drugs in appendix F, part 1 of the standard.'.

Replacement of ch 3, pt 5, hdg

43. Chapter 3, part 5, heading—

omit, insert—

'**OBTAINING AND SELLING RESTRICTED DRUGS ON PURCHASE ORDER**'.

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

44. Section 200(2)—

insert—

'(d) a number that allows the purchase order to be distinguished from other purchase orders used by the person ordering the controlled drug.'.

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

45.(1) Section 213, 'doctor'—

omit, insert—

'doctor or dentist'.

(2) Section 213(2), 'restricted drug'—

omit, insert—

'restricted drug of dependency'.

Amendment of s 217 (Improper use of prescriptions for restricted drugs)

46.(1) Section 217(1), 'a prescription'—

omit, insert—

'a prescription, or a document purporting to be a prescription,'.

(2) Section 217(1), 'the prescription'—

omit, insert—

'the prescription or other document'.

Amendment of s 220 (Advertising of restricted drugs)

47. Section 220(2)(b), 'a price list'—

omit, insert—

'a price list, advertisement or promotional material'.

Amendment of s 235 (Wholesale and retail sales by manufacturers and wholesalers)

48.(1) Section 235(2)(a)(vi)—

omit, insert—

'(iii) an isolated practice endorsed registered nurse; or

(iv) a person who holds an authority under section 269;[2] or'.

(2) Section 235(3), 'written'—

[2] Section 269 (Other authorities for an S2 or S3 poison may be given)

omit, insert—

'purchase'.

Amendment of s 243 (Authority needed for S2, S3 or S7 poison)

49. Section 243(1), 'prescribe or sell an S2'—

omit, insert—

'prescribe, purport to prescribe or sell an S2'.

Amendment of s 244 (Aboriginal and Torres Strait Islander health programs)

50.(1) Section 244, heading—

omit, insert—

'**Indigenous health workers**'.

(2) Section 244, 'Aboriginal or Torres Strait Islander health program'—

omit, insert—

'indigenous health program'.

(3) Section 244, 'the person'—

omit.

(4) Section 244(a), 'has been assessed'—

omit, insert—

'the person has been assessed'.

(5) Section 244(b)—

omit, insert—

'(b) the program in which the person is employed is an approved program.'.

(6) Section 244—

renumber and relocate as section 252A.

Amendment of s 252 (Enrolled nurses)

51. Section 252, 'endorsed to administer an S2 or S3 poison'—

omit.

Amendment of s 265 (State analysts)

52. Section 265(a) and (b), 'a poison'—

omit, insert—

'an S2, S3 or S7 poison'.

Amendment of s 270 (When authority is not needed)

53. Section 270, 'Also, a carer'—

omit, insert—

'A carer'.

(2) Section 270, 'as a dispensed medicine'—

omit.

(3) Section 270(b), 'dispensed medicine's'—

omit, insert—

'poison's'.

(4) Section 270—

insert—

'**(2)** Also, a person does not need an authority under this part to administer an S2 or S3 poison if the S2 or S3 poison is administered to a person on the ship on which the poison is kept under the *Navigation Act 1912* (Cwlth) or *Transport Operations (Marine Safety) Act 1994*.'.

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

54.(1) Section 271(1)—

insert—

‘(f) is an inspector who possesses the regulated poison in the course of the inspector’s official duties; or

(g) is a State analyst who possesses, uses or destroys the regulated poison while performing the analyst’s official duties.’.

(2) Section 271(2), ‘*Agricultural and Veterinary Chemicals Act 1994* (Cwlth)’—

omit, insert—

‘*Agricultural and Veterinary Chemicals Code Act 1994* (Cwlth)’.

Insertion of new s 273A

55. After section 273—

insert—

‘**Authorities for regulated poisons may be given**

‘**273A.(1)** The chief health officer may give a person a written authority to dispense, manufacture, obtain, possess, prescribe, sell or use a regulated poison.

‘**(2)** The chief health officer may give a person a written authority only if the chief health officer is reasonably satisfied the person—

(a) has a genuine need for the authority; and

(b) is a suitable person to give the authority.’.

Amendment of s 274 (Licence or authority needed for dispensing, prescribing or selling S2, S3 or S7 poisons)

56.(1) Section 274(2), ‘an S3 poison’—

omit, insert—

‘an S2 or S3 poison’.

(2) Section 274(2)(b), ‘and the ship’s owner’—

omit.

Amendment of s 277 (Sale of S3 poisons)

57. Section 277(3), 'medicine'—

omit, insert—

'poison'.

Amendment of s 280 (Obtaining, possession or use of cyanide)

58. Section 280—

insert—

'**(2)** A person who possesses cyanide under a cyanide permit must not possess more cyanide than the maximum quantity stated in the permit.

Maximum penalty—80 penalty units.'.

Amendment of s 282 (Obtaining, possession or use of strychnine)

59. Section 282—

insert—

'**(2)** A person who possesses strychnine under a strychnine permit must not possess more strychnine than the maximum quantity stated in the permit.

Maximum penalty—80 penalty units.'.

Amendment of s 285 (Records of sales of poisons)

60.(1) Section 285(2)(a)(v) and (vi)—

omit, insert—

'(v) if the purchaser buys the poison in person—the purchaser's signature;

(vi) if the order for the poison was a telephone or written order—a note about the way the order was placed where the purchaser would sign the book or invoice if it was a personal sale; and'.

(2) Section 285—

insert—

'**(2A)** If the order for the S7 poison was a written order, the person selling the poison must keep the written order for 2 years from the day the person received it.

Maximum penalty—20 penalty units.'.

Amendment of s 292 (Advertising of poisons)

61. Section 292(2)(b)—

omit, insert—

'(b) a price list, advertisement or promotional material intended for circulation only in the dental, medical, pharmaceutical or veterinary professions or the wholesale poison trade; or

(c) an S3 poison that, under the standard, may be advertised.'.

Insertion of new ch 5, pt 3

62. Chapter 5—

insert—

'PART 3—TRANSITIONAL PROVISION ABOUT NALTREXONE

'**Transitional provision declaring naltrexone is restricted drug**

'**309.** For this regulation, naltroxene is a restricted drug.

'**Expiry**

'**310.** This part expires on 18 June 1998.'.

Amendment of appendix 2A (Drugs an ambulance officer who has completed an approved course in advanced clinical training may obtain, possess and administer)

63.(1) Appendix 2A, part 2, 'Atrophine'—

omit, insert—

'Atropine'.

(2) Appendix 2A, 'Benztrophine'—

omit, insert—

'Benztropine'.

Amendment of appendix 3 (Persons authorised to obtain controlled or restricted drugs on purchase order)

64.(1) Appendix 3, part 1, item 11—

omit.

(2) Appendix 3, part 2, item 12—

omit.

Amendment of appendix 4 (Computer generated prescriptions)

65. Appendix 4, section 3—

omit.

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

66. Appendix 6, sections 6(1), 7(2), 8(2), 9(2), 13(1)(a) and 16(4), (5) and (6), '12.7 mm'—

omit, insert—

'12.5 mm'.

Amendment of appendix 7 (Regulated poisons)

67. Appendix 7, item 4, 'captan'—

omit.

Amendment of appendix 8 (Restricted drugs of dependency)

68. Appendix 8, 'flunitrazepam'—

omit.

Amendment of appendix 8A (Rural hospitals)

69. Appendix 8A—

insert—

'Millaa Millaa'.

Amendment of appendix 9 (Dictionary)

70.(1) Appendix 9, definition **"university"**—

omit.

(2) Appendix 9—

insert—

' **"section 122 approval"** means a written approval given to a doctor by the chief health officer under section 122 to administer controlled drugs to a drug dependent person or class of drug dependent persons.'.

(3) Appendix 9, definition **"licensee"**, paragraph (b)(ii)—

omit, insert—

'(ii) a restricted drug wholesaler; or'.

(4) Appendix 9, definition **"prescription"**, '(other than a purchase order)'—

omit, insert—

'(other than a purchase order or written order)'.

(5) Appendix 9, definition **"rural hospital"**—

insert—

'(c) Maleny Soldiers Memorial Hospital; or

(d) Noosa District Community Hospital.'.

ENDNOTES

1. Made by the Governor in Council on 18 May 1998.
2. Notified in the gazette on 22 May 1998.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Health.