Queensland

Subordinate Legislation 2000 No. 333

Health Act 1937

HEALTH (DRUGS AND POISONS) AMENDMENT REGULATION (No. 1) 2000

TABLE OF PROVISIONS

Section		Page
1	Short title	7
2	Regulation amended	7
3	Amendment of s 5 (Meaning of "S2" to "S9")	7
4	Amendment of s 7 (Application of interpretation provisions in standard to regulation)	7
5	Insertion of new ss 9A and 9B	7
	9A Classification of new drugs and poisons	7
	9B Reclassifications of poisons	8
6	Amendment of s 10 (Packaging of controlled or restricted drugs or poisons)	9
7	Amendment of s 12 (Certain containers not to be used)	9
8	Amendment of ch 1, pt 5, hdg (Authorities)	9
9	Omission of s 14 (Meaning of "authority" for pt 5)	9
10	Amendment for "authority"	10
11	Amendment of ch 1, pt 5, div 2, hdg (Applications for authorities)	10
12	Amendment of s 17 (Applications—form and fee)	11
13	Replacement of s 18 (How chief executive may deal with applications)	11
	18 How chief executive may deal with applications	11
14	Amendment of s 19 (Renewal of drug licence or poison licence before expiry)	13

15 Amendment of s 20 (Renewal of drug licence, poison licence or section 122 approval after expiry) . . . 13
16 Amendment of ch 1, pt 5, div 3, hdg (Other provisions about authorities) . . . 14
17 Replacement of s 22 (Term of drug licence, poison licence or wholesale representative authority) . . . 14
22 Term of drug licence, poison licence or wholesale representative licence . . . 14
18 Amendment of s 23 (Grounds for suspension or cancellation of authority) . . . 14
19 Amendment of s 24 (Procedure for suspension or cancellation of authority) . . . 14
20 Insertion of new s 26A . . . 15
26A Application for amendment or repeal of decision to suspend or cancel endorsement . . . 15
21 Amendment of ch 1, pt 5, div 5, hdg (Replacement, amendment, return and surrender of authorities) . . . 15
22 Amendment of s 29 (Amendment of authority without application) . . . 15
23 Replacement of s 40 (Types of licences) . . . 16
40 Application of pt 1 . . . 16
24 Amendment of s 41 (Licence to state business premises and other particulars) . . . 16
25 Amendment of s 45 (Offence to manufacture controlled drugs without licence) . . . 16
26 Amendment of s 50 (Records of transactions to be kept by licensee) . . . 16
27 Replacement of s 51 (Authority needed for controlled drugs) . . . 17
51 Endorsement needed for controlled drugs . . . 17
28 Amendment of s 53 (Authorised dispensers) . . . 18
29 Amendment of s 56 (Dentists) . . . 18
30 Amendment of s 59A (Indigenous health workers) . . . 19
31 Amendment of s 64 (Pharmacists) . . . 19
32 Replacement of s 66 (Queensland Ambulance Service) . . . 19
66 Queensland Ambulance Service . . . 19
33 Amendment of s 67 (Registered nurses) . . . 20
34 Omission of s 73 (Other authorities may be given) . . . 20

35 Amendment of s 74 (When authority is not needed) 20
36 Amendment for "approved" 21
37 Amendment of s 80 (Restrictions on writing prescriptions) 21
38 Amendment of s 81 (Oral prescription) 21
39 Amendment of s 84 (Dealing with prescriptions and certain written instructions) 22
40 Amendment of s 85 (Labelling dispensed medicines) 22
41 Amendment of s 93 (Dealing with purchase orders) 23
42 Amendment of s 95 (Possession by user) 23
43 Amendment of s 114 (Records—other authorised persons) 23
44 Amendment of s 115 (Exemption of user from keeping records) 24
45 Amendment of s 118 (Storage of controlled drugs at institutions) 24
46 Amendment of ch 2, pt 9, hdg (Lengthy treatment with and dependence on controlled drugs) 25
47 Amendment of s 122 (Approval needed for treating drug dependent person with controlled drugs) 25
48 Amendment of s 128 (False statements—controlled drugs) 25
49 Amendment of s 130 (Unsafe disposal or use of controlled drugs) 26
50 Replacement of s 134 (Types of licences) 26
134 Application of pt 1 26
51 Amendment of s 135 (Licence to state business premises and other particulars) 26
52 Amendment of s 139 (Offence to manufacture restricted drug without licence) 26
53 Amendment of s 144 (Records of transactions to be kept by licensee) . . . 27
54 Amendment of ch 3, pt 2, hdg (Authorities) 27
55 Replacement of s 146 (Authority needed for restricted drugs) 27
146 Endorsement needed for restricted drugs 27
56 Replacement of s 147 (Wholesale representative authority) 28
147 Wholesale representative licence 28
57 Amendment of ch 3, pt 2, div 3, hdg (Particular authorities) 28
58 Amendment of s 156 (Authorised dispensers) 29
59 Amendment of s 162 (Enrolled nurses) 29

60 Amendment of s 164A (Indigenous health workers) 29
61 Amendment of s 170 (Optometrists) 29
62 Amendment of s 171 (Pharmacists) 30
63 Replacement of s 174 (Queensland Ambulance Service) 30
174 Queensland Ambulance Service 30
64 Amendment of s 175 (Registered nurses) 31
65 Insertion of new ss 179A and 179B 31
179A Universities 31
179B Veterinary nurses 32
66 Omission of s 182 (Other authorities may be given) 32
67 Amendment of s 183 (When authority not needed) 32
68 Amendment of s 185 (Dinoprost and dinoprostone) 32
69 Replacement of s 186 (Acitretin, etretinate, isotretinoin, thalidomide and tretinoin) 33
186 Acitretin, etretinate, isotretinoin and tretinoin 33
186A Thalidomide 34
70 Amendment of s 188 (Clozapine) 34
71 Amendment of s 190 (Writing prescriptions) 35
72 Amendment of s 191 (Restrictions on writing prescriptions) 35
73 Amendment of s 192 (Oral prescription) 35
74 Amendment of s 205 (Possession by user) 35
75 Amendment of s 208 (Records—other authorised persons) 36
76 Amendment of ch 3, pt 9, hdg (Lengthy treatment with and dependence on restricted drugs of dependency) 36
77 Amendment of s 218 (False statements—restricted drugs) 36
78 Amendment of s 219 (Unsafe disposal or use of restricted drugs) 36
79 Replacement of s 223 (Types of licences) 37
223 Application of pt 1 37
80 Amendment of s 227 (Offence to manufacture S2, S3 or S7 poisons without licence) 37
81 Omission of s 235 (Wholesale and retail sales by manufacturers and wholesalers) 37
82 Amendment of s 237 (Records of transactions) 37

83 Replacement of s 238 (Types of permits) 38
238 Application of pt 2 38
84 Amendment of ch 4, pt 3, hdg (Authorities) 38
85 Replacement of s 243 (Authority needed for S2, S3 or S7 poison) 38
243 Endorsement needed for S2, S3 or S7 poison 38
86 Amendment of ch 4, pt 3, div 2, hdg (Particular authorities) 39
87 Amendment of s 245 (Authorised dispensers) 39
88 Amendment of s 248 (Dental hygienists) 39
89 Amendment of s 252A (Indigenous health workers) 40
90 Replacement of s 255 (Midwives) 40
255 Midwives 40
91 Amendment of s 262 (Queensland Ambulance Service) 40
92 Insertion of new ss 265A and 265B 40
265A Universities 40
265B Veterinary nurses 41
93 Insertion of new section 267A 41
267A Wholesale representatives 41
94 Omission of s 269 (Other authorities for an S2 or S3 poison may be given) 41
95 Amendment of s 270 (When authority is not needed) 41
96 Amendment of s 271 (Prohibition on dispensing etc. regulated poisons) . . 42
97 Amendment of s 272 (Fluoroacetic acid in baits) 42
98 Replacement of s 273A (Authorities for regulated poisons may be given) 42
273A Wholesale and retail sales by manufacturers and wholesalers 42
99 Amendment of s 274 (Licence or authority needed for dispensing, prescribing or selling S2, S3 or S7 poisons) 43
100 Amendment of s 277 (Sale of S3 poisons) 44
101 Amendment of s 280 (Obtaining, possession or use of cyanide) 44
102 Amendment of s 281 (Restriction on sale of cyanide) 44
103 Amendment of s 282 (Obtaining, possession or use of strychnine) 45
104 Amendment of s 283 (Restriction on sale of strychnine) 45

105 Amendment of s 286 (Prohibition on dispensing or supplying poisons to child under 16) 45

106 Amendment of s 290 (Unsafe disposal of poisons) 45

107 Amendment of s 292 (Advertising of poisons) 46

108 Amendment of s 303 (Inspector not required to deliver portion of drug or poison seized) 46

109 Amendment of s 303A (General powers after entering places) 46

110 Amendment of s 306 (False or misleading information) 46

111 Insertion of new ch 5, pt 3 47

PART 3—TRANSITIONAL PROVISIONS

309 Definition for pt 3 47

310 Certain authorities continue 47

311 How certain applications are to be considered 47

112 Amendment of appendix 2 (Application fees for authorities and renewal fees for licences) 48

113 Replacement of appendix 2A (Drugs an ambulance officer who has completed an approved course in advanced clinical training may obtain, possess and administer) 48

APPENDIX 2A

DRUGS AN AMBULANCE OFFICER MAY OBTAIN, POSSESS AND ADMINISTER

114 Amendment of appendix 3 (Persons authorised to obtain controlled or restricted drugs on purchase order) 50

115 Amendment of appendix 6 (Minimum requirements for controlled drug receptacles) 52

116 Amendment of appendix 8 (Restricted drugs of dependency) 52

117 Amendment of appendix 9 (Dictionary) 53

Short title

1. This regulation may be cited as the *Health (Drugs and Poisons) Amendment Regulation (No. 1) 2000*.

Regulation amended

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

Amendment of s 5 (Meaning of "S2" to "S9")

3. Section 5(b), before 'without'—

insert—

'or 'substance''.

Amendment of s 7 (Application of interpretation provisions in standard to regulation)

4.(1) Section 7(4), example, '76'—

omit, insert—

'1(2)'.

(2) Section 7(4), example, '76(8)'—

omit, insert—

'1(2)(g), (h) and (i)'.

Insertion of new ss 9A and 9B

5. Chapter 1, part 3, after section 9—

insert—

'**Classification of new drugs and poisons**

'**9A.(1)** This section applies to a drug or poison for human or animal therapeutic use (a **"new drug or poison"**) if—

(a) the drug or poison becomes available for sale in the State before a decision is made about whether it is to be included in a schedule to the standard;[1] and

(b) the chief executive reasonably believes it will be listed in schedule 4 or schedule 8 of the standard.

'**(2)** The new drug or poison is taken to be a restricted drug until—

(a) the new drug or poison is included in a schedule to the standard; or

(b) the National Drugs and Poisons Schedule Committee decides the new drug or poison is not to be included in a schedule.

'**Reclassifications of poisons**

'**9B.(1)** This section applies to a poison if—

(a) any of the following about the poison is varied—

(i) the method of manufacture;

(ii) the composition;

(iii) the dosage;

(iv) how the poison may be administered;

(v) the purposes for which the poison may be used; and

(b) a decision has not been made since the variation about in which schedule to the standard the poison is to be included.

'**(2)** The poison is taken to be a restricted drug until a decision is made about in which schedule to the standard the poison is to be included and the poison is included in the schedule.'.

1 Decisions about whether a drug is included in a schedule to the standard are made by the National Drugs and Poisons Schedule Committee.

Amendment of s 10 (Packaging of controlled or restricted drugs or poisons)

6.(1) Section 10(2), 'an approval'—

omit, insert—

'a certification'.

(2) Section 10(3), 'approve'—

omit, insert—

'certify'.

Amendment of s 12 (Certain containers not to be used)

7. Section 12(1), from '52' to 'approved'—

omit, insert—

'21, 22 or 23 of the standard[2] or a container that is a certified'.

Amendment of ch 1, pt 5, hdg (Authorities)

8. Chapter 1, part 5, heading, 'AUTHORITIES'—

omit, insert—

'**ENDORSEMENTS**'.

Omission of s 14 (Meaning of "authority" for pt 5)

9. Section 14—

omit.

[2] See paragraphs 21 and 22 (Containers for poisons other than Schedule 5 poisons) and paragraph 23 (Containers for Schedule 5 poisons).

Amendment for "authority"

10.(1) This section amends the following provisions—

- section 15
- section 16(1)
- section 21
- chapter 1, part 5, division 4, heading
- section 25
- section 26
- section 27
- section 28
- section 30
- section 31
- section 32
- section 33
- section 38(2), example

(2) In the provisions mentioned in subsection (1), 'authority'—

omit, insert—

'endorsement'.

Amendment of ch 1, pt 5, div 2, hdg (Applications for authorities)

11. Chapter 1, part 5, division 2, heading, 'authorities'**—**

omit, insert—

'***endorsements***'.

Amendment of s 17 (Applications—form and fee)

12. Section 17, 'authority' to 'section 122'—

omit, insert—

'endorsement, or the renewal of a drug licence, poison licence or treatment'.

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

13. Section 18—

omit, insert—

'**How chief executive may deal with applications**

'**18.(1)** The chief executive must consider an application for an endorsement and either—

(a) grant the endorsement, with or without conditions; or

(b) refuse to grant the endorsement.

'**(2)** Also, the chief executive must consider an application for the renewal of a drug licence, poison licence or treatment approval and either—

(a) renew the licence or approval, with or without conditions; or

(b) refuse to renew the licence or approval.

'**(3)** If the chief executive decides to grant the endorsement or renew the drug licence, poison licence or treatment approval, the chief executive must promptly give the applicant—

(a) the relevant endorsement, licence or approval; and

(b) if a condition is stated on the endorsement, licence or approval, a written notice that states—

(i) the reasons for the condition; and

(ii) the applicant may appeal against the imposition of the condition within 28 days after the applicant receives notice of the decision to a Magistrates Court.

'**(4)** However, if the endorsement is a treatment approval that is subject to a condition, the chief executive need only give the applicant—

(a) the approval; and

(b) notice that the applicant may, within 28 days of the approval, make a written request for the reasons for the condition and appeal against the imposition of the condition to a Magistrates Court within 28 days after the day the applicant is given the reasons.

'**(5)** If the applicant makes a written request for the reasons for the condition, the chief executive must, within 14 days after receiving the request, give a statement of the reasons to the applicant.

'**(6)** However, if the treatment approval is subject to a condition relating to the treatment of a drug dependent person to ensure the treatment under the approval continues to be for the welfare of the person, including, for example, 1 or more of the following conditions, the applicant may not appeal against the imposition of the condition—

(a) the way in which the controlled or restricted drug is to be dispensed or prescribed for, or administered or supplied to or for, the drug dependent person;

(b) the applicant must, at stated times, examine the drug dependent person or conduct tests in relation to the drug dependent person—

(i) to ensure the controlled or restricted drug is being used in the way the applicant has directed; or

(ii) for the use or presence of other drugs or poisons.

'**(7)** If the chief executive decides not to grant the endorsement or renew the drug licence, poison licence or treatment approval, the chief executive must promptly give the applicant a written notice that states—

(a) the decision; and

(b) the reasons for the decision; and

(c) the applicant may appeal against the decision to a Magistrates Court within 28 days after the applicant receives notice of the decision.'.

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

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

omit, insert—

'**, poison licence, treatment approval or wholesale representative licence**'.

(2) Section 19(1), 'or section 122 approval'—

omit, insert—

', treatment approval or wholesale representative licence'.

(3) Section 19—

insert—

'**(3)** Despite subsection (2), if, during the term of a general poison licence, a pharmacy opens within 25 km by road of the licensee's business premises, the chief executive may renew the licence for up to 6 months to allow the licensee to sell stock on hand.

'**(4)** No fee is payable for a renewal under subsection (3).'.

Amendment of s 20 (Renewal of drug licence, poison licence or section 122 approval after expiry)

15.(1) Section 20, heading, 'or section 122 approval'—

omit, insert—

'**, treatment approval or wholesale representative licence**'.

(2) Section 20(1)(a), 'or section 122 approval'—

omit, insert—

', treatment approval or wholesale representative licence'.

(3) Section 20(1)(a), 'the licence'—

omit, insert—

'the licence or approval'.

Amendment of ch 1, pt 5, div 3, hdg (Other provisions about authorities)

16. Chapter 1, part 5, division 3, heading, 'authorities'—

omit, insert—

'***endorsements***'.

Replacement of s 22 (Term of drug licence, poison licence or wholesale representative authority)

17. Section 22—

omit, insert—

'**Term of drug licence, poison licence or wholesale representative licence**

'**22.** A drug licence, poison licence or wholesale representative licence has effect for 1 year from the day stated in the licence.'.

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

18.(1) Section 23, 'authority'—

omit, insert—

'endorsement'.

(2) Section 23(d), 'approval'—

omit, insert—

'endorsement'.

Amendment of s 24 (Procedure for suspension or cancellation of authority)

19.(1) Section 24, 'authority'—

omit, insert—

'endorsement'.

(2) Section 24(1)(e), after 'show,'—

insert—

'in writing and'.

Insertion of new s 26A

20. Chapter 1, part 5, division 4, after section 26—

insert—

'**Application for amendment or repeal of decision to suspend or cancel endorsement**

'**26A.(1)** The holder of an endorsement that is suspended or cancelled may apply to the chief executive in writing for an amendment or repeal of the decision to suspend or cancel the endorsement.

'**(2)** This part applies to an application made under subsection (1) in the same way as it would if it were an application for an endorsement.'.

Amendment of ch 1, pt 5, div 5, hdg (Replacement, amendment, return and surrender of authorities)

21. Chapter 1, part 5, division 5, heading, 'authorities'—

omit, insert—

'***endorsements***'.

Amendment of s 29 (Amendment of authority without application)

22.(1) Section 29, 'authority'—

omit, insert—

'endorsement'.

(2) Section 29(2)(c), 'conditions'—

omit, insert—

'endorsement'.

Replacement of s 40 (Types of licences)

23. Section 40—

omit, insert—

‘**Application of pt 1**

‘**40.** This part applies to the following types of licences—

(a) controlled drug manufacturer licences;

(b) controlled drug wholesaler licences.’.

Amendment of s 41 (Licence to state business premises and other particulars)

24. Section 41(3)(a), ‘is authorised to’—

omit, insert—

‘may’.

Amendment of s 45 (Offence to manufacture controlled drugs without licence)

25. Section 45(d)—

omit, insert—

‘(d) holds an endorsement under section 18(1) to manufacture the controlled drug.’.

Amendment of s 50 (Records of transactions to be kept by licensee)

26. Section 50(1), ‘approved’—

omit, insert—

‘certified’.

Replacement of s 51 (Authority needed for controlled drugs)

27. Section 51—

omit, insert—

'**Endorsement needed for controlled drugs**

'**51.(1)** A person must not have in the person's possession a controlled drug unless the person is, under this regulation, endorsed to possess the drug.

Maximum penalty—80 penalty units.

'**(2)** A person must not obtain a controlled drug for someone else unless the person is, under this regulation, endorsed to obtain the drug for the other person.

Maximum penalty—80 penalty units.

'**(3)** A person must not dispense, issue, prescribe, purport to prescribe or sell a controlled drug unless the person is, under this regulation, endorsed to dispense, issue, prescribe or sell the drug.

Maximum penalty—80 penalty units.

'**(4)** A person must not administer a controlled drug to someone else unless the person is, under this regulation, endorsed to administer the drug to the other person.

Maximum penalty—80 penalty units.

'**(5)** A person who may, under an endorsement, administer, dispense, issue, obtain, possess, prescribe or sell a controlled drug, or write a written instruction or give an oral instruction for a controlled drug, must not destroy a controlled drug unless the person is endorsed to destroy the drug.

Maximum penalty—80 penalty points.

'**(6)** A person must not write a written instruction or give an oral instruction for a controlled drug unless the person is endorsed to write the written instruction or give the oral instruction.

Maximum penalty—80 penalty points.

'**(7)** Subsection (8) applies to a person who may only administer, destroy, dispense, issue, obtain, possess, prescribe or sell a controlled drug,

or write a written instruction or give an oral instruction for a controlled drug, at a stated place or under stated conditions.

'**(8)** The person must not administer, destroy, dispense, issue, obtain, possess, prescribe or sell the drug or write a written instruction or give an oral instruction for the drug at another place or in contravention of the conditions.

Maximum penalty—80 penalty units.'.

Amendment of s 53 (Authorised dispensers)

28.(1) Section 53, heading, 'Authorised'—

omit, insert—

'**Approved**'.

(2) Section 53, 'authorise the person, in writing,'—

omit, insert—

'give the person an approval'.

Amendment of s 56 (Dentists)

29. Section 56—

insert—

'**(2)** Also, to the extent necessary to practise dentistry, a dentist who has successfully completed a certified course of training relating to the use of fentanyl is authorised to—

(a) obtain fentanyl; or

(b) possess fentanyl at the place where the dentist practises dentistry; or

(c) administer fentanyl to a person while treating the person.'.

Amendment of s 59A (Indigenous health workers)

30. Section 59A(b), 'an approved'—

omit, insert—

'a'.

Amendment of s 64 (Pharmacists)

31.(1) Section 64(1)(d), after 'dispensary'—

insert—

'or at an institution'.

(2) Section 64(1)(f)—

omit, insert—

'(f) supply methadone syrup, under a drug therapy protocol, on the oral or written instruction of a doctor who holds a treatment approval or an oral approval under section 122(6).'.

Replacement of s 66 (Queensland Ambulance Service)

32. Section 66—

omit, insert—

'**Queensland Ambulance Service**

'**66.(1)** To the extent necessary for performing ambulance duties for the Queensland Ambulance Service, an ambulance officer mentioned in appendix 2A, part 1, column 2 is authorised to obtain, possess or administer, under a clinical practice protocol approved by the Queensland Ambulance Service, a controlled drug set out opposite in appendix 2A, part 1, column 1.

'**(2)** However, an ambulance officer who is a paramedic 3 (ECP) may administer a controlled drug to a person only if the officer—

(a) is working in an ECP area; and

(b) is acting on a doctor's oral or written instruction to administer the drug to a person.

‘**(3)** An ambulance officer who is undergoing a certified course of training, upon the successful completion of which the officer would be authorised to obtain, possess or administer a controlled drug mentioned in appendix 2A, part 1, column 1, is authorised to administer the controlled drug to a person under the supervision of someone who—

(a) has completed the training; and

(b) is—

(i) acting under a clinical practice protocol approved by the Queensland Ambulance Service; and

(ii) working in an ECP area and acting on a doctor’s oral or written instruction if required by subsection (2).’.

Amendment of s 67 (Registered nurses)

33. Section 67(2)(c), ‘an approved’—

omit, insert—

‘a’.

Omission of s 73 (Other authorities may be given)

34. Section 73—

omit.

Amendment of s 74 (When authority is not needed)

35.(1) Section 74, heading, ‘authority’—

omit, insert—

‘**endorsement**’.

(2) Section 74, ‘authority under this part’—

omit, insert—

‘endorsement under this regulation’.

Amendment for "approved"

36.(1) This section amends the following provisions—

- section 79(5)(b)
- section 86(1)
- section 99(1)
- section 101(1)
- section 106(1)
- section 109(2)
- section 199(2)(c)
- section 207(2)(c)
- section 297
- section 298
- appendix 7, items 3 and 5

(2) In the provisions mentioned in subsection (1), 'approved'—

omit, insert—

'certified'.

Amendment of s 80 (Restrictions on writing prescriptions)

37. Section 80(1), 'an approval'—

omit, insert—

'a certification'.

Amendment of s 81 (Oral prescription)

38. Section 81(1), 'authorised'—

omit, insert—

'endorsed'.

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

39.(1) Section 84(3)(b), 'supplying'—

omit, insert—

'completing the supply of'.

(2) Section 84(3A), 'or written instruction'—

omit.

(3) Section 84(7)(b), from 'on the prescription'—

omit, insert—

'—

(i) on the prescription when dispensing the controlled drug; or

(ii) on the written instruction when supplying the methadone syrup.'.

Amendment of s 85 (Labelling dispensed medicines)

40.(1) Section 85, heading, after 'dispensed'—

insert—

'**and supplied**'.

(2) Section 85(5)—

renumber as section 85(6).

(3) Section 85—

insert—

'**(5)** Despite subsection (1), a person who supplies methadone syrup on a written instruction is not required to attach a label to the methadone syrup's container if—

(a) the person supplies the methadone syrup under section 64(1)(f);[3] and

(b) the methadone syrup is ingested by the person to whom it is supplied in the presence of the person who supplies it.'.

Amendment of s 93 (Dealing with purchase orders)

41. Section 93(2)(b)—

omit, insert—

'(b) if the order is from a dentist, doctor or veterinary surgeon, send a copy of the order to the chief executive within 14 days of the sale; and

(c) keep the order for 2 years after the day of the sale.'.

Amendment of s 95 (Possession by user)

42.(1) Section 95(1), from 'is lawfully' to 'supply the drug'—

omit, insert—

'lawfully obtains a controlled drug'.

(2) Section 95(2)(b), 'supplied'—

omit, insert—

'obtained'.

Amendment of s 114 (Records—other authorised persons)

43.(1) Section 114, 'authorised'—

omit, insert—

'approved'.

---

3 Under section 64(1)(f), a pharmacist is authorised to supply methadone syrup, under a drug therapy protocol, on the oral or written instruction of a doctor who holds an approval under section 122(5) or (6).

(2) Section 114(1), 'chapter'—

omit, insert—

'regulation'.

(3) Section 114(1), 'authority'—

omit, insert—

'approval'.

Amendment of s 115 (Exemption of user from keeping records)

44.(1) Section 115(1)(a)—

omit, insert—

'(a) the controlled drug—

(i) was lawfully prescribed for the person or the person's animal; or

(ii) was lawfully supplied under a written instruction; and'.

(2) Section 115(1)(b), after 'prescribed'—

insert—

'or for which the written instruction was written'.

Amendment of s 118 (Storage of controlled drugs at institutions)

45. Section 118(1)(b)—

omit, insert—

'(b) in another place (a **"secure place"**) an inspector who inspects the place is reasonably satisfied is at least as secure as a receptacle mentioned in paragraph (a).'.

Amendment of ch 2, pt 9, hdg (Lengthy treatment with and dependence on controlled drugs)

46. Chapter 2, part 9, heading, 'LENGTHY'—

omit.

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

47.(1) Section 122(1)—

omit, insert—

'**122.(1)** If a doctor reasonably believes a person is a drug dependent person, the doctor must not, without an approval—

(a) dispense or prescribe a controlled drug for the person; or

(b) administer or supply a controlled drug to or for the person; or

(c) give an oral or written instruction to supply a controlled drug to or for the person.

Maximum penalty—60 penalty units.'.

(2) Section 122(9)—

omit, insert—

'**(9)** An approval given under this section has effect for the period stated in the approval.'.

Amendment of s 128 (False statements—controlled drugs)

48. Section 128(1), 'authorised under this chapter'—

omit, insert—

'endorsed under this regulation'.

Amendment of s 130 (Unsafe disposal or use of controlled drugs)

49. Section 130(c), 'authorised'—

omit, insert—

'endorsed'.

Replacement of s 134 (Types of licences)

50. Section 134—

omit, insert—

'**Application of pt 1**

'**134.** This part applies to the following types of licences—

(a) restricted drug manufacturer licences;

(b) restricted drug wholesaler licences.'.

Amendment of s 135 (Licence to state business premises and other particulars)

51. Section 135(3)(a) and (4), 'is authorised to'—

omit, insert—

'may'.

Amendment of s 139 (Offence to manufacture restricted drug without licence)

52. Section 139(c), 'authority under section 182'—

omit, insert—

'endorsement under section 18(1)[4]'.

4 Section 18 (How chief executive may deal with applications)

Amendment of s 144 (Records of transactions to be kept by licensee)

53. Section 144(3) and (4)(a), 'an approved'—

omit, insert—

'a certified'.

Amendment of ch 3, pt 2, hdg (Authorities)

54. Chapter 3, part 2, heading, 'AUTHORITIES'—

omit, insert—

'**ENDORSEMENTS**'.

Replacement of s 146 (Authority needed for restricted drugs)

55. Section 146—

omit, insert—

'**Endorsement needed for restricted drugs**

'**146.(1)** A person must not have in the person's possession a restricted drug unless the person is, under this regulation, endorsed to possess the drug.

Maximum penalty—60 penalty units.

'**(2)** A person must not obtain a restricted drug for someone else unless the person is, under this regulation, endorsed to obtain the drug for the other person.

Maximum penalty—60 penalty units.

'**(3)** A person must not dispense, issue, prescribe, purport to prescribe or sell a restricted drug unless the person is, under this regulation, endorsed to dispense, issue, prescribe or sell the drug.

Maximum penalty—60 penalty units.

'**(4)** A person must not administer a restricted drug to someone else unless the person is, under this regulation, endorsed to administer the drug to the other person.

Maximum penalty—60 penalty units.

'**(5)** A person must not write a written instruction or give an oral instruction for a restricted drug unless the person is endorsed to write the written instruction or give the oral instruction.

Maximum penalty—60 penalty points.

'**(6)** Subsection (7) applies to a person who may only administer, destroy, dispense, issue, obtain, possess, prescribe or sell a restricted drug, or write a written instruction or give an oral instruction for a restricted drug, at a stated place or under stated conditions.

'**(7)** The person must not administer, destroy, dispense, issue, obtain, possess, prescribe or sell the drug or write a written instruction or give an oral instruction for the drug at another place or in contravention of the conditions.

Maximum penalty—60 penalty units.'.

Replacement of s 147 (Wholesale representative authority)

56. Section 147—

omit, insert—

'**Wholesale representative licence**

'**147.** The chief executive may grant a wholesale representative licence to a person only if the chief executive is satisfied the person—

(a) is employed by a licensee in a capacity requiring the person to possess restricted drugs for display or supply, as samples, to dentists, doctors or veterinary surgeons; and

(b) is a suitable person to be allowed to possess restricted drugs.'.

Amendment of ch 3, pt 2, div 3, hdg (Particular authorities)

57. Chapter 3, part 2, division 3, heading, 'authorities'—

omit, insert—

'***endorsements***'.

Amendment of s 156 (Authorised dispensers)

58.(1) Section 156, heading, 'Authorised'—

omit, insert—

'**Approved**'.

(2) Section 156, 'authorise the person, in writing,'—

omit, insert—

'give the person an approval'.

Amendment of s 162 (Enrolled nurses)

59. Section 162—

insert—

'**(2)** In this section—

"endorsed" means endorsed under the *Nursing Act 1992.*'.

Amendment of s 164A (Indigenous health workers)

60. Section 164A(b), 'an approved'—

omit, insert—

'a'.

Amendment of s 170 (Optometrists)

61. Section 170, 'an approved'—

omit, insert—

'a certified'.

Amendment of s 171 (Pharmacists)

62. Section 171(1)(d), after 'dispensary'—

insert—

'or institution'.

Replacement of s 174 (Queensland Ambulance Service)

63. Section 174—

omit, insert—

'**Queensland Ambulance Service**

'**174.(1)** To the extent necessary for performing ambulance duties for the Queensland Ambulance Service, an ambulance officer mentioned in appendix 2A, part 2, column 2 is authorised to obtain, possess or administer, under a clinical practice protocol approved by the Queensland Ambulance Service, a restricted drug set out opposite in appendix 2A, part 2, column 1.

'**(2)** However, an ambulance officer who is a paramedic 3 (ECP) may administer a restricted drug mentioned in appendix 2A, part 3 only if the officer—

(a) is working in an ECP area; and

(b) is acting on a doctor's oral or written instruction to administer the drug to a person.

'**(3)** An ambulance officer who is undergoing a certified course of training upon the successful completion of which the officer would be authorised to obtain, possess or administer a restricted drug mentioned in appendix 2A, part 2, column 1, is authorised to administer the restricted drug to a person under the supervision of someone who—

(a) has completed the training; and

(b) is—

(i) acting under a clinical practice protocol approved by the Queensland Ambulance Service; and

(ii) working in an ECP area and acting on a doctor's oral or written instruction if required by subsection (2).'.

Amendment of s 175 (Registered nurses)

64.(1) Section 175(2)(c), (3)(b)(ii) and (4)(b)(ii), 'an approved'—

omit, insert—

'a'.

(2) Section 175—

insert—

'**(5)** In this section—

"endorsed" means endorsed under the *Nursing Act 1992.*'.

Insertion of new ss 179A and 179B

65. After section 179—

insert—

'**Universities**

'**179A.(1)** To the extent necessary for use in research or teaching at a university, the vice-chancellor of the university is authorised to—

(a) obtain a restricted drug; or

(b) possess a restricted drug at the university; or

(c) supply a restricted drug to a member of the faculty or staff of the university.

'**(2)** The vice-chancellor may delegate the authority to the bursar or another appropriately qualified officer of the university.

'**(3)** In this section—

"appropriately qualified", for an officer of a university, includes having the qualifications, experience or standing appropriate to the exercise of the power.

‘**Veterinary nurses**

‘**179B.** To the extent necessary to practise veterinary nursing, a veterinary nurse who has successfully completed a certified course of training relating to the use of restricted drugs with animals is authorised to—

(a) possess a restricted drug at the place where the person practises veterinary nursing; or

(b) administer a restricted drug to an animal—

(i) under the 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.’.

Omission of s 182 (Other authorities may be given)

66. Section 182—

omit.

Amendment of s 183 (When authority not needed)

67.(1) Section 183, heading, ‘authority’—

omit, insert—

‘**endorsement is**’.

(2) Section 183, ‘authority under this part’—

omit, insert—

‘endorsement under this regulation’.

Amendment of s 185 (Dinoprost and dinoprostone)

68. Section 185(c), ‘gynaecologist’—

omit, insert—

‘gynaecology’.

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

69. Section 186—

omit, insert—

'**Acitretin, etretinate, isotretinoin and tretinoin**

'**186.(1)** A person must not dispense, obtain, prescribe, sell or use acitretin, etretinate, isotretinoin or tretinoin for human therapeutic use unless the person—

(a) dispenses, obtains, prescribes, sells or uses the acitretin, etretinate, isotretinoin or tretinoin for human therapeutic use under an approval; or

(b) is a specialist in dermatology or internal medicine.

Maximum penalty—80 penalty units.

'**(2)** The chief executive may grant a person an approval to dispense, obtain, prescribe, sell or use acitretin, etretinate, isotretinoin or tretinoin only if the chief executive is reasonably satisfied the person is a suitable person to hold the approval and the person—

(a) will obtain or use acitretin, etretinate, isotretinoin or tretinoin for genuine research purposes or clinical trials approved by an ethics committee; or

(b) is a doctor who will dispense, prescribe, sell or use acitretin, etretinate, isotretinoin or tretinoin under the supervision of a specialist in dermatology or internal medicine to or for a patient who—

(i) has recently been assessed by a specialist in dermatology or internal medicine as having a therapeutic need for acitretin, etretinate, isotretinoin or tretinoin; and

(ii) lives at a remote place where the patient can not access the services of the specialist in person.

'**(3)** Subsection (1) does not apply to a person (the **"first person"**) who obtains or uses acitretin, etretinate, isotretinoin or tretinoin that is dispensed, prescribed or sold to the first person by another person who may, under this

section, lawfully dispense, prescribe or sell the acitretin, etretinate, isotretinoin or tretinoin to the first person.

'**(4)** In this section—

"ethics committee" means—

(a) a human research ethics committee registered by the Australian Health Ethics Committee established under the *National Health and Medical Research Council Act 1992* (Cwlth); or

(b) if there is no committee mentioned in paragraph (a)—

(i) an ethics committee established by a public sector hospital under the *Health Services Act 1991*, section 2;[5] or

(ii) an ethics committee established by a university and concerned, wholly or partly, with medical research; or

(iii) an ethics committee established by the National Health and Medical Research Council.

'**Thalidomide**

'**186A.** A person must not dispense, prescribe, sell or use thalidomide for human therapeutic use unless the person—

(a) dispenses, prescribes, sells or uses the thalidomide for human therapeutic use under an approval; or

(b) is a specialist in dermatology or internal medicine.

Maximum penalty—80 penalty units.'.

Amendment of s 188 (Clozapine)

70. Section 188(b) and (c), 'psychiatrist'—

omit, insert—

'in psychiatry'.

5 **"Public sector hospital"** means a hospital operated by the State—see *Health Services Act 1991*, section 2.

Amendment of s 190 (Writing prescriptions)

71.(1) Section 190, heading—

omit, insert—

'**Prescribing restricted drugs**'.

(2) Section 190(4)(b), 'approved'—

omit, insert—

'certified'.

Amendment of s 191 (Restrictions on writing prescriptions)

72. Section 191(1), 'an approval'—

omit, insert—

'a certification'.

Amendment of s 192 (Oral prescription)

73. Section 192(1), 'authorised'—

omit, insert—

'endorsed'.

Amendment of s 205 (Possession by user)

74.(1) Section 205(1), from 'is lawfully' to 'supply the drug'—

omit, insert—

'lawfully obtains a restricted drug'.

(2) Section 205(2)(b), 'supplied'—

omit, insert—

'obtained'.

Amendment of s 208 (Records—other authorised persons)

75.(1) Section 208, 'authorised'—

omit, insert—

'approved'.

(2) Section 208(1), 'chapter'—

omit, insert—

'regulation'.

(3) Section 208(1), 'authority'—

omit, insert—

'approval'.

Amendment of ch 3, pt 9, hdg (Lengthy treatment with and dependence on restricted drugs of dependency)

76. Chapter 3, part 9, heading, 'LENGTHY'—

omit.

Amendment of s 218 (False statements—restricted drugs)

77. Section 218(1), 'authorised under this chapter'—

omit, insert—

'endorsed under this regulation'.

Amendment of s 219 (Unsafe disposal or use of restricted drugs)

78. Section 219(c), 'authorised'—

omit, insert—

'endorsed'.

Replacement of s 223 (Types of licences)

79. Section 223—

omit, insert—

'**Application of pt 1**

'**223.** This part applies to the following types of licences—

(a) poison manufacturer licences;

(b) poison wholesaler licences;

(c) general poison licences;

(d) licences to sell S7 poisons for other than human therapeutic use.'.

Amendment of s 227 (Offence to manufacture S2, S3 or S7 poisons without licence)

80. Section 227(c)—

omit, insert—

'(c) holds an endorsement under section 18(1)[6] to manufacture the poison.'.

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

81. Section 235—

omit.

Amendment of s 237 (Records of transactions)

82. Section 237, heading—

omit, insert—

'**Records of certain transactions by poison manufacturers and wholesalers**'.

6 Section 18 (How chief executive may deal with applications)

Replacement of s 238 (Types of permits)

83. Section 238—

omit, insert—

‘**Application of pt 2**

‘**238.** This part applies to the following types of permits—

(a) cyanide permits;

(b) strychnine permits.’.

Amendment of ch 4, pt 3, hdg (Authorities)

84. Chapter 4, part 3, heading, ‘AUTHORITIES’—

omit, insert—

‘**ENDORSEMENTS**’.

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

85. Section 243—

omit, insert—

‘**Endorsement needed for S2, S3 or S7 poison**

‘**243.(1)** A person must not dispense, prescribe, purport to prescribe or sell an S2, S3 or S7 poison unless the person is, under this regulation, endorsed to dispense, prescribe or sell the poison.

Maximum penalty—40 penalty units.

‘**(2)** A person must not administer an S2 or S3 poison to someone else unless the person is, under this regulation, endorsed to administer the poison.

Maximum penalty—40 penalty units.

‘**(3)** A person must not write a written instruction for an S2, S3 or S7 poison unless the person is, under this regulation, endorsed to write the written instruction.

Maximum penalty—40 penalty points.

'**(4)** Subsection (5) applies to a person who may only administer, dispense, issue, prescribe or sell a poison, or write a written instruction or give an oral instruction for a poison, at a stated place or under stated conditions.

'**(5)** The person must not administer, dispense, issue, prescribe or sell the poison or write a written instruction or give an oral instruction for the poison at another place or in contravention of the conditions.

Maximum penalty—40 penalty units.'.

Amendment of ch 4, pt 3, div 2, hdg (Particular authorities)

86. Chapter 4, part 3, division 2, heading, 'authorities'—

omit, insert—

'***endorsements***'.

Amendment of s 245 (Authorised dispensers)

87.(1) Section 245, heading, 'Authorised'—

omit, insert—

'**Approved**'.

(2) Section 245, 'authorise the person, in writing,'—

omit, insert—

'give the person an approval'.

Amendment of s 248 (Dental hygienists)

88. Section 248, 'use'—

omit, insert—

'administer'.

Amendment of s 252A (Indigenous health workers)

89. Section 252A, 'an approved'—

omit, insert—

'a'.

Replacement of s 255 (Midwives)

90. Section 255—

omit, insert—

'**Midwives**

'**255.(1)** To the extent necessary to practise midwifery, a midwife is authorised to administer an S2 or S3 poison.

'**(2)** To the extent necessary to practise midwifery at a hospital within an isolated practice area, a midwife is authorised to supply an S2 or S3 poison, on a doctor's instruction, to a person being discharged from the hospital or to an outpatient of the hospital.'.

Amendment of s 262 (Queensland Ambulance Service)

91. Section 262, after 'poison'—

insert—

'under a clinical practice protocol approved by the Queensland Ambulance Service'.

Insertion of new ss 265A and 265B

92. After section 265—

insert—

'**Universities**

'**265A.(1)** To the extent necessary for use in research or teaching at a university, the vice-chancellor of the university is authorised to supply an S2 or S3 poison to a member of the faculty or staff of the university.

‘**(2)** The vice-chancellor may delegate the authority to the bursar or another appropriately qualified officer of the university.

‘**(3)** In this section—

“appropriately qualified”, for an officer of a university, includes having the qualifications, experience or standing appropriate to the exercise of the power.

‘**Veterinary nurses**

‘**265B.** To the extent necessary to practise veterinary nursing, a veterinary nurse who has successfully completed a certified course of training relating to the use of S2 or S3 poisons with animals is authorised to administer an S2 or S3 poison to an animal—

(a) under the 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 poison’s container.’.

Insertion of new section 267A

93. Chapter 4, part 3, division 2, after section 267—

insert—

‘**Wholesale representatives**

‘**267A.** A wholesale representative is authorised to display or supply an S2 or S3 poison, as a sample, to a dentist, doctor or veterinary surgeon.’.

Omission of s 269 (Other authorities for an S2 or S3 poison may be given)

94. Section 269—

omit.

Amendment of s 270 (When authority is not needed)

95.(1) Section 270, heading, ‘authority’—

omit, insert—

'**endorsement**'.

(2) Section 270, 'authority under this part'—

omit, insert—

'endorsement under this regulation'.

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

96. Section 271(2), after 'regulation'—

insert—

', other than fluoroacetic acid or strychnine,'.

Amendment of s 272 (Fluoroacetic acid in baits)

97. Section 272(1)(a), after 'inspector'—

insert—

'under the *Rural Lands Protection Act 1985*'.

Replacement of s 273A (Authorities for regulated poisons may be given)

98. Section 273A—

omit, insert—

'**Wholesale and retail sales by manufacturers and wholesalers**

'**273A.(1)** A poison manufacturer or wholesaler must not sell an S2, S3 or S7 poison by wholesale to someone who may not sell the poison by retail.

Maximum penalty—40 penalty units.

'**(2)** Subsection (1) does not apply to a poison wholesaler—

(a) selling an S2 poison to an optometrist, physiotherapist or podiatrist; or

(b) selling an S2 or S3 poison to—

(i) a dentist, doctor, pharmacist or veterinary surgeon; or

(ii) the director of nursing of an institution; or

(iii) an isolated practice endorsed registered nurse; or

(iv) a person whom the wholesaler is reasonably satisfied has an obligation to comply with the *Navigation Act 1912* (Cwlth) or the *Transport Operations (Marine Safety) Act 1994* in the supply of first aid requisites for life rafts; or

(c) selling an S7 poison by retail—

(i) to a person mentioned in paragraph (a); or

(ii) if a primary producer reasonably satisfies the wholesaler the poison is to be used on the person's property, to a primary producer; or

(iii) if it is cyanide sold in quantities of 50 kg or more, to a corporation holding a mining lease under the *Mineral Resources Act 1989*; or

(iv) a person who uses the poison in a technical process connected with the person's business, industry or trade.

'**(3)** A poison manufacturer or wholesaler must not sell an S2, S3 or S7 poison to a person under subsection (2) unless the person gives the manufacturer or wholesaler a signed purchase order for the poison before the sale.

Maximum penalty for subsection (3)—40 penalty units.'.

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

99.(1) Section 274, heading—

omit, insert—

'**Dispensing or selling S2, S3 or S7 poisons**'.

(2) Section 274(2)—

omit, insert—

'**(2)** Also, a pharmacist must not sell an S2 or S3 poison to a ship's master unless—

(a) the pharmacist—

(i) is satisfied it is necessary to comply with the *Navigation Act 1912* (Cwlth) or the *Transport Operations (Marine Safety) Act 1994*; and

(ii) receives a purchase order for the poison signed by the ship's master; or

(b) the ship's master holds a written approval to administer or supply an S2 or S3 poison.

Maximum penalty—40 penalty units.'.

Amendment of s 277 (Sale of S3 poisons)

100. Section 277(1), 'authorised'—

omit, insert—

'approved'.

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

101. Section 280(1)(a), 'authorised'—

omit, insert—

'endorsed'.

Amendment of s 281 (Restriction on sale of cyanide)

102. Section 281(4), 'authority'—

omit, insert—

'endorsement'.

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

103. Section 282(1)(a), 'authorised'—

omit, insert—

'endorsed'.

Amendment of s 283 (Restriction on sale of strychnine)

104. Section 283(4), 'authority'—

omit, insert—

'endorsement'.

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

105. Section 286—

insert—

'**(4)** In this section—

"endorsed" means endorsed under the *Nursing Act 1992*.'.

Amendment of s 290 (Unsafe disposal of poisons)

106.(1) Section 290(3)(a), 'authority'—

omit, insert—

'approval'.

(2) Section 290(4)(c), 'authorised'—

omit, insert—

'endorsed'.

Amendment of s 292 (Advertising of poisons)

107. Section 292(3), ‘licensed’ to ‘chapter’—

omit, insert—

‘endorsed under this regulation’.

Amendment of s 303 (Inspector not required to deliver portion of drug or poison seized)

108. Section 303(4), ‘2000’—

omit, insert—

‘2001’.

Amendment of s 303A (General powers after entering places)

109. Section 303A(6), ‘2000’—

omit, insert—

‘2001’.

Amendment of s 306 (False or misleading information)

110. Section 306(2), ‘document’—

omit, insert—

‘information’.

Insertion of new ch 5, pt 3

111. After section 308—

insert—

‘PART 3—TRANSITIONAL PROVISIONS

‘**Definition for pt 3**

‘**309.** In this part—

“commencement” means the commencement of this part.

‘**Certain authorities continue**

‘**310.(1)** This section applies to a written authority in force immediately before the commencement.

‘**(2)** The written authority is taken to be an approval granted by the chief executive under section 18 after the commencement.

‘**(3)** In this section—

“written authority” means a written authority given to a person by the chief executive under section 73, 182, 269 or 273A before the commencement.

‘**How certain applications are to be considered**

‘**311.(1)** This section applies to an application for an approval mentioned in section 186(a) made before the commencement.

‘**(2)** If the chief executive decided the application before the commencement, this regulation, as in force immediately before the commencement, continues to apply in relation to the application, including any appeal from the decision about the application, as if the *Health (Drugs and Poisons) Amendment Regulation (No. 1) 2000* had not commenced.

‘**(3)** Without limiting subsection (2), if there is an appeal against the chief executive’s decision and a court decides to set aside the decision and return the issue to the chief executive with a direction to reconsider the application, the chief executive must reconsider, and decide, the application under this

regulation as in force before the commencement of the *Health (Drugs and Poisons) Amendment Regulation (No. 1) 2000.*

'**(4)** If the chief executive had not decided the application before the commencement, this regulation, as in force after the commencement, applies to the application.'.

Amendment of appendix 2 (Application fees for authorities and renewal fees for licences)

112.(1) Appendix 2, heading—

omit, insert—

'**APPLICATION AND RENEWAL FEES FOR LICENCES**'.

(2) Appendix 2, item 9—

omit, insert—

'**9.**	Application for, or renewal of, wholesale representative licence	50.00'.

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

113. Appendix 2A—

omit, insert—

‘APPENDIX 2A

‘DRUGS AN AMBULANCE OFFICER MAY OBTAIN, POSSESS AND ADMINISTER

sections 66 and 174

‘PART 1—CONTROLLED DRUGS

	column 1	column 2
1.	morphine	paramedic 3 (ECP), paramedic 4

‘PART 2—RESTRICTED DRUGS

	column 1	column 2
1.	benztropine	paramedic 3 (ECP), paramedic 4
2.	box jellyfish antivenom	paramedics 1, 2 and 3, paramedic 3 (ECP), paramedic 4
3.	frusemide	paramedic 3 (ECP), paramedic 4
4.	haloperidol	paramedic 3 (ECP), paramedic 4
5.	hydrocortisone	paramedic 3 (ECP), paramedic 4
6.	lignocaine	paramedic 4
7.	methoxyflurane	paramedics 1, 2 and 3, paramedic 3 (ECP), paramedic 4
8.	metoclopramide	paramedic 3 (ECP), paramedic 4

9.	midazolam	paramedic 3, paramedic 3 (ECP), paramedic 4
10.	naloxone	paramedic 3, paramedic 3 (ECP), paramedic 4
11.	nitrous oxide	paramedics 1, 2 and 3, paramedic 3 (ECP), paramedic 4
12.	promethazine	paramedic 3 (ECP), paramedic 4
13.	salbutamol	paramedics 1, 2 and 3, paramedic 3 (ECP), paramedic 4

‘PART 3—PARTICULAR RESTRICTED DRUGS ADMINISTERED BY PARAMEDICS 3 (ECP)

benztropine

frusemide

haloperidol

hydrocortisone

metoclopramide

promethazine’.

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

114.(1) Appendix 3, heading—

omit, insert—

‘WHO MUST SIGN CERTAIN PURCHASE ORDERS FOR CONTROLLED OR RESTRICTED DRUGS’.

(2) Appendix 3, part 1, item 5, column 1, ‘authority’ to ‘given)’—

omit, insert—

‘endorsement under section 18(1)’.

(3) Appendix 3, part 1, item 5, column 2, ‘authorised person’—

omit, insert—

‘endorsed person’.

(4) Appendix 3, part 1, item 7, column 2, ‘or medical superintendent’—

omit, insert—

‘, medical superintendent or registered nurse in charge’.

(5) Appendix 3, part 1, item 8, column 2, after entry for ‘the pharmacist in charge of the hospital’s dispensary’—

insert—

‘the hospital’s registered nurse in charge’.

(6) Appendix 3, part 1, item 10, column 2, ‘or medical superintendent’—

omit, insert—

‘, medical superintendent or registered nurse in charge’.

(7) Appendix 3, part 2, item 6, column 1, ‘authority’ to ‘given)’—

omit, insert—

‘endorsement under section 18(1)’.

(8) Appendix 3, part 2, item 6, column 2, ‘authorised person’—

omit, insert—

‘endorsed person’.

(9) Appendix 3, part 2, item 8, column 2, ‘or medical superintendent’—

omit, insert—

‘, medical superintendent or registered nurse in charge’.

(10) Appendix 3, part 2, item 9, column 2, after entry for 'the pharmacist in charge of the hospital's dispensary'—

insert—

'the hospital's registered nurse in charge'.

(11) Appendix 3, part 2, item 11, column 2, 'the prison's medical superintendent or director of nursing'—

omit, insert—

'the prison's director of nursing, medical superintendent or registered nurse in charge'.

(12) Appendix 3, part 2, after item 11—

insert—

'**12.**	optometrist	the person
13.	podiatrist	the person'.

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

115.(1) Appendix 6, part 1, section 5(3), 'approve'—

omit, insert—

'certify'.

(2) Appendix 6, part 3, section 12(1) after 'place'—

insert—

'if—

'(a) the safe door complies with section 14; and

(b) the safe lock complies with section 15.'.

Amendment of appendix 8 (Restricted drugs of dependency)

116.(1) Appendix 8, 'apomorphine' and 'pholcodine'—

omit.

(2) Appendix 8, after 'barbiturates'—

insert—

', other than barbiturates individually listed in this appendix'.

(3) Appendix 8, 'benzodiazepine'—

omit, insert—

'benzodiazepines, other than barbiturates individually listed in this appendix'.

(4) Appendix 8, 'bromazepiam'—

omit, insert—

'bromazepam'.

Amendment of appendix 9 (Dictionary)

117.(1) Appendix 9, definitions "approval", "approved", "authorised person", "authority", "endorsed", "poison", "section 122 approval", "sell" and "wholesale representative"—

omit.

(2) Appendix 9—

insert—

' **"approval"** means an approval granted by the chief executive under section 18.

"authorised person" means the following—

(a) for chapter 2, a person who may, under chapter 2, perform a stated act involving a controlled drug or a regulated controlled drug;

(b) for chapter 3, a person who may, under chapter 3, perform a stated act involving a restricted drug or a regulated restricted drug;

(c) for chapter 4, a person who may, under chapter 4, perform a stated act involving a poison or a regulated poison.

"authority" means an authority a person has under this regulation—

(a) because of the person's occupation; or

(b) because the person holds an office.

Examples of occupations—

Doctor, dentist, midwife

Examples of offices—

Person in charge of a base of the Royal Flying Doctor Service of Australia, general manager of a prison

"certification" means a certification granted by the chief executive under section 18(1).

"ECP area" means an area of the State classified as an ECP area by the Queensland Ambulance Service.

"endorsement" means any of the following—

(a) an authority; or

(b) an approval;

(c) a certification;

(d) a drug licence;

(e) a wholesale representative licence;

(f) a poison licence;

(g) a cyanide permit;

(h) a strychnine permit.

"National Drugs and Poisons Schedule Committee" means the National Drugs and Poisons Schedule Committee under the *Therapeutic Goods Act 1989* (Cwlth).

"paramedic 1" means an ambulance officer who is classified by the Queensland Ambulance Service as a paramedic 1.

"paramedic 2" means an ambulance officer who is classified by the Queensland Ambulance Service as a paramedic 2.

"paramedic 3 " means an ambulance officer who—

(a) has successfully completed a training course certified by the chief executive as the course for a paramedic 3; and

(b) is classified by the Queensland Ambulance Service as a paramedic 3.

"paramedic 3 (ECP)" means an ambulance officer who—

(a) has successfully completed a training course certified by the chief executive as the course for a paramedic 3 (ECP); and

(b) is classified by the Queensland Ambulance Service as a paramedic 3 (ECP)..

"paramedic 4 " means an ambulance officer who—

(a) has successfully completed a training course certified by the chief executive as the course for a paramedic 4; and

(b) is classified by the Queensland Ambulance Service as a paramedic 4.

"poison" means—

(a) an S2, S3, S5, S6 or S7 substance; and

(b) an S9 substance other than—

(i) cannabis sativa when used for plant breeding or research purposes if—

(A) the leaves and flowering heads do not contain more than 1% of tetrahydrocannabinol; and

(B) the seeds do not contain more than 0.35% of tetrahydrocannabinol; or

(ii) cannabis sativa when used in field trials if the leaves, flowering heads and seeds do not contain more than 0.35% of tetrahydrocannabinol; and

(c) a substance mentioned in appendix C of the standard.

"treatment approval" means any of the following—

(a) a written approval given to a doctor by the chief executive under section 122;

(b) a written approval given to a doctor by the chief executive under section 213;

(c) a written approval given to a dentist by the chief executive under section 213A.

"wholesale representative" means a person who holds a wholesale representative licence.[7]'.

(3) Appendix 9, definition "business premises", 'authority'—

omit, insert—

'endorsement'.

(4) Appendix 9, definition "drug therapy protocol", 'approved'—

omit, insert—

'certified'.

(5) Appendix 9, definition "immunisation program", paragraph (c), 'an approved'—

omit, insert—

'a certified'.

(6) Appendix 9, definition "indigenous health worker", 'an approved'—

omit, insert—

'a certified'.

(7) Appendix 9, definition "issue", 'authorised'—

omit, insert—

'endorsed'.

(8) Appendix 9, definition "prescribe", after 'order'—

insert—

'or written instruction'.

(9) Appendix, definition "prescriber", 'authorised'—

omit, insert—

'endorsed'.

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7 Wholesale representative licences are issued under chapter 3 (Restricted drugs).

(10) Appendix 9, definition "prescription", 'written order'—

omit, insert—

'written instruction'.

(11) Appendix 9, definition "purchase order", 'authorised'—

omit, insert—

'endorsed'.

(12) Appendix 9, definition "sexual health program", paragraph (b), 'an approved'—

omit, insert—

'a certified'.

ENDNOTES

1. Made by the Governor in Council on 14 December 2000.
2. Notified in the gazette on 15 December 2000.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Health.