



Queensland

# Health Legislation Amendment Regulation (No. 3) 2015

## Subordinate Legislation 2015 No. 154

made under the

*Health Act 1937*

*Mental Health Act 2000*

*Public Health Act 2005*

*Public Health (Infection Control for Personal Appearance Services)  
Act 2003*

*Tobacco and Other Smoking Products Act 1998*

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Health Legislation Amendment Regulation (No. 3) 2015*.

### 2 Commencement

- (1) Part 6 commences on 1 January 2016.
- (2) Part 5 commences on 1 July 2016.

## Part 2 Amendment of Health (Drugs and Poisons) Regulation 1996

### 3 Regulation amended

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

### 4 Amendment of s 55 (Carriers)

- (1) Section 55(a) and (b), after ‘engaged’—

*insert—*

by an authorised person

- (2) Section 55—

*insert—*

- (2) In this section—

***authorised person*** means a person who is authorised under this regulation to dispense, issue, sell or supply the controlled drug.

[s 5]

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## 5 Insertion of new s 78A

Chapter 2, part 3—

*insert—*

### **78A Approved drug—nabiximols**

Subject to section 74(3), a person must not dispense, prescribe, sell or use nabiximols unless the person—

- (a) is a specialist health practitioner in the speciality of neurology or rehabilitation medicine; or
- (b) is a registrar in the speciality of neurology or rehabilitation medicine working under the direction of a specialist health practitioner in the speciality of neurology or rehabilitation medicine.

Maximum penalty—80 penalty units.

## 6 Amendment of s 82 (Conditions of dispensing)

Section 82(2)(g), after ‘dronabinol’—

*insert—*

or nabiximols

## 7 Amendment of s 158 (Carriers)

- (1) Section 158(a) and (b), after ‘engaged’—

*insert—*

by an authorised person

- (2) Section 158—

*insert—*

- (2) In this section—

***authorised person*** means a person who is authorised under this regulation to dispense, issue, sell or supply the restricted drug.

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

- (1) Section 271(1), ‘destroy’—  
*omit, insert—*  
dispose of
- (2) Section 271(1)(a), before ‘dispenses’—  
*insert—*  
disposes of,
- (3) Section 271(1)(g) and (h), ‘destroys’—  
*omit, insert—*  
disposes of

**9 Insertion of new s 273**

Chapter 4, part 4—

*insert—*

**273 Carriers**

- (1) To the extent necessary to transport and deliver a regulated poison, the following persons are authorised to possess a regulated poison—
- (a) a person engaged by an authorised person to transport and deliver the regulated poison;
  - (b) an adult acting for a person engaged by an authorised person to transport and deliver the regulated poison.
- (2) In this section—  
***authorised person*** means a person who is authorised under this regulation to dispose of or sell the regulated poison.

[s 10]

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

Appendix 7, item 7, after second dot point—

*insert—*

- para-amino propriophenone

**Part 3 Amendment of Health Regulation 1996**

**11 Regulation amended**

This part amends the *Health Regulation 1996*.

**12 Omission of s 179 (Sale, supply and use of certain therapeutic goods restricted)**

Section 179—

*omit.*

**Part 4 Amendment of Mental Health Regulation 2002**

**13 Regulation amended**

This part amends the *Mental Health Regulation 2002*.

**14 Amendment of s 5 (Record about seclusion of patients)**

Section 5(1), ‘section 150’—

*omit, insert—*

section 162L

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**15 Amendment of schedule (Corresponding laws)**

(1) Schedule—

*insert—*

*Crimes (Mental Impairment and Unfitness to be Tried)  
Act 1997 (Vic)*

*Mental Health (Forensic Provisions) Act 1990 (NSW)*

(2) Schedule, ‘*Criminal Law (Mentally Impaired Defendants) Act 1996 (WA)*’—

*omit, insert—*

*Criminal Law (Mentally Impaired Accused) Act 1996  
(WA)*

(3) Schedule, ‘*Mental Health Act 1986 (Vic)*’—

*omit, insert—*

*Mental Health Act 2014 (Vic)*

(4) Schedule, ‘*Mental Health Act 1990 (NSW)*’—

*omit, insert—*

*Mental Health Act 2007 (NSW)*

(5) Schedule, ‘*Mental Health Act 1993 (SA)*’—

*omit, insert—*

*Mental Health Act 2009 (SA)*

(6) Schedule, ‘*Mental Health Act 1996 (Tas)*’—

*omit, insert—*

*Mental Health Act 2013 (Tas)*



*omit.*

(2) Schedule 1—

*insert—*

Australian bat lyssavirus infection	•	•		
Australian bat lyssavirus - potential exposure (bat bite, scratch or mucous membrane exposure)	•			
coronaviruses—				
• Middle East respiratory syndrome coronavirus (MERS-CoV)	•	•	•	•
• severe acute respiratory syndrome (SARS)	•	•	•	•
diphtheria (other than toxigenic diphtheria)	•		•	
Hendra virus infection	•	•		
leprosy (Hansen’s disease)	•			
psittacosis (ornithosis)	•			
rabies	•	•		•

(3) Schedule 1, column 1, entry for arbovirus infections, ‘flavivirus infections, including alfuy, Edge Hill, kokobera, kunjin, Stratford and other unspecified flaviviruses (excluding dengue fever, yellow fever, Japanese encephalitis and Murray Valley encephalitis)’—

*omit, insert—*

flavivirus infections, including alfuy, Edge Hill, kokobera, Stratford, West Nile/kunjin and other unspecified flaviviruses

(4) Schedule 1, column 1, entry for arbovirus infections, ‘any other arbovirus infections (excluding dengue fever, yellow fever, Japanese encephalitis and Murray Valley encephalitis)’—

[s 19]

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*omit, insert—*

any other arbovirus infections

- (5) Schedule 1, column 1, ‘ciguatera intoxication’—

*omit, insert—*

ciguatera poisoning

- (6) Schedule 1, entry for Creutzfeldt-Jakob disease, column 2, ‘•’—

*omit.*

- (7) Schedule 1, column 1, ‘dengue fever’—

*omit, insert—*

dengue

- (8) Schedule 1, column 1, ‘diphtheria’—

*omit, insert—*

diphtheria (toxigenic)

- (9) Schedule 1, entry for haemolytic uraemic syndrome (HUS), column 5, ‘•’—

*omit.*

- (10) Schedule 1, column 1, ‘haemophilus influenza type b infection (invasive)’

*omit, insert—*

haemophilus influenzae type b (invasive) disease

- (11) Schedule 1, ‘lead exposure (notifiable) (blood lead level of 10 µg/dL (0.48 µmol/L) or more)’—

*omit, insert—*

lead exposure (notifiable) (blood lead level of 5 µg/dL (0.24 µmol/L) or more)

- (12) Schedule 1, entry for measles, column 6—

*insert—*

•

- 
- (13) Schedule 1, column 1, ‘meningococcal infection (invasive)’—  
*omit, insert—*  
meningococcal disease (invasive)
- (14) Schedule 1, column 1, ‘poliomyelitis - wild type and vaccine associated’—  
*omit, insert—*  
poliomyelitis infection
- (15) Schedule 1, column 1, ‘shiga toxin and vero toxin producing *escherichia coli* infection SLTEC/VTEC’—  
*omit, insert—*  
shiga toxin and vero toxin producing *escherichia coli* infection STEC/VTEC
- (16) Schedule 1, entry for tuberculosis, column 5—  
*insert—*  
•

## **20 Amendment of sch 2 (Immediate notifications)**

- (1) Schedule 2, ‘equine morbillivirus (Hendra virus) infection’, ‘lyssavirus (Australian bat lyssavirus)’, ‘lyssavirus (Australian bat lyssavirus), potential exposure’ and ‘lyssavirus (rabies)’—  
*omit.*
- (2) Schedule 2—  
*insert—*  
Australian bat lyssavirus infection  
Australian bat lyssavirus - potential exposure (i.e. bat bite, scratch or mucous membrane exposure)  
diphtheria (toxigenic)  
Hendra virus infection  
rabies

[s 21]

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- (3) Schedule 2, ‘ciguatera intoxication’—  
*omit, insert*—  
ciguatera poisoning
- (4) Schedule 2, ‘dengue fever’—  
*omit, insert*—  
dengue
- (5) Schedule 2, ‘flavivirus infections, including alfuy, Edge Hill, Japanese encephalitis, kokobera, kunjin, Murray Valley encephalitis, Stratford and other unspecified flaviviruses (excluding dengue and yellow fever)’—  
*omit, insert*—  
flavivirus infections, including alfuy, Edge Hill, Japanese encephalitis, kokobera, Murray Valley encephalitis, Stratford, West Nile/kunjin and other unspecified flaviviruses (excluding dengue and yellow fever)
- (6) Schedule 2, ‘haemophilus influenzae type B infection (invasive)’—  
*omit, insert*—  
haemophilus influenzae type b (invasive) disease
- (7) Schedule 2, ‘meningococcal infection (invasive)’—  
*omit, insert*—  
meningococcal disease (invasive)
- (8) Schedule 2, ‘poliomyelitis - wild type and vaccine associated’—  
*omit, insert*—  
poliomyelitis infection

## **21 Amendment of sch 2A (Contagious conditions)**

- (1) Schedule 2A, part 1, column 1, ‘haemophilus influenzae type b infection (invasive)’—

*omit, insert—*

haemophilus influenzae type b (invasive) disease

- (2) Schedule 2A, part 1, column 1, ‘meningococcal infection (invasive)’—

*omit, insert—*

meningococcal disease (invasive)

- (3) Schedule 2A, part 1, column 1, ‘poliomyelitis’—

*omit, insert—*

poliomyelitis infection

## **Part 7**                      **Amendment of Tobacco and Other Smoking Products Regulation 2010**

### **22**      **Regulation amended**

This part amends the *Tobacco and Other Smoking Products Regulation 2010*.

### **23**      **Amendment of sch 2 (Prescribed outdoor pedestrian malls)**

Schedule 2, entries for Cairns and Townsville—

*omit.*

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#### ENDNOTES

- 1 Made by the Governor in Council on 4 November 2015.
- 2 Notified on the Queensland legislation website on 6 November 2015.
- 3 The administering agency is Queensland Health.

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Authorised by the Parliamentary Counsel