



Queensland

Health (Drugs and Poisons) Amendment Regulation (No. 2) 2016

Subordinate Legislation 2016 No. 67

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. 2) 2016*.

2 Commencement

This regulation commences on 1 June 2016.

3 Regulation amended

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

4 Insertion of new ch 2, pt 3A

After chapter 2, part 3—

insert—

Part 3A Medicinal cannabis

Division 1 Preliminary

78B Definitions for part

In this part—

approved good means a registered good or a listed good within the meaning of the *Therapeutic Goods Act 1989* (Cwlth).

cannabis product means any product—

- (a) that is or was any part of a plant of the genus *Cannabis*, whether living or dead; or
- (b) otherwise derived, wholly or in part, from any part of a plant of the genus *Cannabis*, whether living or dead; or
- (c) that has, or is intended by the manufacturer of the product to have, a pharmacological

[s 4]

effect that is substantially similar to the pharmacological effect of a product mentioned in paragraph (a) or (b).

carer, for a patient, means an adult who has responsibility for the immediate care and safety of the patient.

compliant, for medicinal cannabis, means the medicinal cannabis has been—

- (a) prescribed, for the treatment of, or use by, a patient, in accordance with this part; and
- (b) dispensed in accordance with this regulation, including a prescription under this regulation; and
- (c) if the medicinal cannabis is the subject of a medicinal cannabis approval—prescribed and dispensed in accordance with the approval; and
- (d) manufactured or imported in accordance with the applicable law of the Commonwealth; and
- (e) approved, or authorised to be supplied, for the purpose of treating the patient, in accordance with the applicable law of the Commonwealth.

medicinal cannabis means a cannabis product that is—

- (a) not an approved good; and
- (b) used, or is intended by the manufacturer of the product to be used, for human therapeutic purposes; and
- (c) is a controlled drug, other than a regulated controlled drug.

medicinal cannabis approval see section 78E(1).

patient-class prescriber means—

-
- (a) a specialist health practitioner in the specialty of medical oncology, paediatric neurology or palliative care medicine; or
 - (b) a registrar in medical oncology, paediatric neurology or palliative care medicine working under the supervision of a specialist health practitioner in the specialty of medical oncology, paediatric neurology or palliative care medicine.

single-patient prescriber means a doctor who is the holder of a medicinal cannabis approval.

78C Purpose of part

The purpose of this part is to provide for regulated access to medicinal cannabis in Queensland—

- (a) through—
 - (i) the prescription of medicinal cannabis, under a system of medicinal cannabis approvals, by single-patient prescribers; and
 - (ii) the prescription of medicinal cannabis, without medicinal cannabis approvals, by patient-class prescribers; and
- (b) until the expiry of this part under section 78P.

78D Application of part

- (1) To the extent of any inconsistency between a provision of this part, and another provision of this regulation, the provision of this part prevails.
- (2) The following provisions do not apply to medicinal cannabis—
 - (a) sections 52 and 54;
 - (b) section 56;

Note—

See chapter 1, parts 5 and 6 for provisions relating to endorsements.

Division 3 Dealing with medicinal cannabis

78F Patient-class prescribers

- (1) If a patient-class prescriber is satisfied a patient the patient-class prescriber is treating (the *patient*) needs medicinal cannabis for therapeutic use as a part of the patient's medical treatment, the patient-class prescriber is authorised to write a prescription for the—
 - (a) issue or supply of medicinal cannabis for the purpose of treating the patient; or
 - (b) administration of medicinal cannabis to the patient.
- (2) The patient-class prescriber is authorised to obtain and possess compliant medicinal cannabis if the patient-class prescriber is temporarily possessing the medicinal cannabis—
 - (a) until the patient can be treated with, or use, the medicinal cannabis; and
 - (b) only for the purpose of treating the patient.
- (3) The patient-class prescriber is authorised to do the following in accordance with the prescription—
 - (a) supply the medicinal cannabis to the patient;
 - (b) issue the medicinal cannabis to a carer for the patient;
 - (c) administer the medicinal cannabis to the patient.

78G Single-patient prescribers

- (1) A single-patient prescriber, for a medicinal cannabis approval, is authorised to write a prescription for the—
 - (a) issue or supply of the medicinal cannabis for the purpose of treating the patient to whom the medicinal cannabis approval applies (the *approved patient*); and
 - (b) administration of the medicinal cannabis to the approved patient.
- (2) The single-patient prescriber is authorised to obtain and possess compliant medicinal cannabis if the single-patient prescriber is temporarily possessing the medicinal cannabis—
 - (a) until the approved patient can be treated with, or use, the medicinal cannabis; and
 - (b) only for the purpose of treating the approved patient.
- (3) The single-patient prescriber is authorised to do the following in accordance with the prescription—
 - (a) supply the medicinal cannabis to the approved patient;
 - (b) issue the medicinal cannabis to a carer for the approved patient;
 - (c) administer the medicinal cannabis to the approved patient.

78H Patients

- (1) This section applies if a single-patient prescriber or a patient-class prescriber has, in accordance with this regulation, written a prescription for the administration, issue or supply of medicinal cannabis for the treatment of a patient.
- (2) The patient is authorised to obtain, possess or

self-administer compliant medicinal cannabis in accordance with the prescription.

- (3) The patient is also authorised to issue the medicinal cannabis to the following persons—
- (a) the doctor who wrote the prescription for the purpose of administering the medicinal cannabis to the patient;
 - (b) a carer for the patient.

78I Pharmacists

- (1) A pharmacist is authorised to obtain medicinal cannabis and possess the medicinal cannabis at the pharmacist's dispensary if the pharmacist is possessing the medicinal cannabis for the purpose of—
- (a) selling or supplying the medicinal cannabis to patients to whom section 78H applies; or
 - (b) selling or issuing the medicinal cannabis to carers for patients to whom section 78H applies or other persons authorised to obtain and possess the medicinal cannabis.
- (2) The pharmacist, when at the dispensary, is authorised to do the following in accordance with a prescription for medicinal cannabis—
- (a) sell or supply medicinal cannabis to patients to whom section 78H applies;
 - (b) sell or issue medicinal cannabis to carers for patients to whom section 78H applies or other persons authorised to obtain and possess the medicinal cannabis.
- (3) In this section—

prescription means a prescription of a patient-class prescriber or a single-patient prescriber that complies with this regulation.

78J Carers

- (1) A carer, for a patient to whom section 78H applies, is authorised to obtain and possess compliant medicinal cannabis if the carer is temporarily possessing the medicinal cannabis—
 - (a) until the patient can be treated with, or use, the medicinal cannabis in accordance with this part; and
 - (b) only for the purpose of treating the patient.
- (2) The carer is authorised to—
 - (a) if the patient is able to self-administer the medicinal cannabis—supply the medicinal cannabis to the patient; or
 - (b) administer the medicinal cannabis to the patient in accordance with a prescription for the medicinal cannabis; or
 - (c) issue the medicinal cannabis to a single-patient prescriber or patient-class prescriber treating the patient, for administration to the patient.
- (3) In this section—

prescription means a prescription of a patient-class prescriber or a single-patient prescriber that complies with this regulation.

78K Clinical trials

The chief executive may grant an approval to a person to administer, dispense, manufacture, obtain, possess, prescribe, supply or use medicinal cannabis if the approval is for or connected with an approved clinical trial.

Division 4 Obligations of prescribers and pharmacists

78L Requirement for prescribers to notify chief executive

- (1) A patient-class prescriber or a single-patient prescriber (each the *prescriber*) must notify the chief executive in writing when the prescriber prescribes, supplies, issues or administers medicinal cannabis to a patient.
- (2) The notice must state—
 - (a) the name and date of birth of the patient; and
 - (b) the medical condition, or associated symptoms, of the patient;
 - (c) the pharmacy from which the patient intends to obtain medicinal cannabis prescribed by the prescriber.

78M Conditions applying to prescribers

- (1) The chief executive may, by written notice to a patient-class prescriber, or a single-patient prescriber, (each the *prescriber*) impose conditions on the prescriber's authority to deal with medicinal cannabis under this part.
- (2) A condition under subsection (1) may, for example—
 - (a) impose requirements relating to the prescription of medicinal cannabis; or
 - (b) impose requirements relating to the monitoring or reporting of the condition, or associated symptoms, of patients being treated with medicinal cannabis by the prescriber; or
 - (c) require the prescriber to comply with a stated code, guideline, protocol or standard.
- (3) For single-patient prescribers, the chief executive's power to impose conditions under subsection (1) is in addition to the chief

executive's power to impose conditions on a medicinal cannabis approval under chapter 1, part 5.

78N Requirement for pharmacists to notify chief executive

- (1) A pharmacist must notify the chief executive in writing when the pharmacist dispenses, sells, issues or supplies (each a *relevant activity*) medicinal cannabis to a patient within 24 hours of carrying out the relevant activity.
- (2) The notice must state—
 - (a) the following for the patient—
 - (i) the name of the patient;
 - (ii) the medical condition, or associated symptoms, of the patient; and
 - (b) the type of medicinal cannabis that is the subject of the relevant activity.

78O Conditions applying to pharmacists

- (1) The chief executive may, by written notice to a pharmacist, impose conditions on the pharmacist's authority to deal with medicinal cannabis under this part.
- (2) A condition under subsection (1) may, for example—
 - (a) impose requirements, in addition to requirements under this regulation, relating to the storage and dispensing of medicinal cannabis; or

Note—

For storage of controlled drugs, see part 8.

- (b) require the pharmacist to comply with a stated code, guideline, protocol or standard.

Division 5 Expiry

78P Expiry of part

This part expires on the earlier of the following—

- (a) the commencement of the *Public Health (Medicinal Cannabis) Act 2016*; or
- (b) 1 January 2017.

5 Amendment of appendix 9 (Dictionary)

Appendix 9, definition *approved clinical trial*, after ‘a clinical trial’—

insert—

, or another use of medicinal cannabis solely for experimental purposes in humans,

ENDNOTES

- 1 Made by the Governor in Council on 26 May 2016.
- 2 Notified on the Queensland legislation website on 27 May 2016.
- 3 The administering agency is the Queensland Health.

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