



Queensland

Health (Drugs and Poisons) (Cannabis and Other Matters) Amendment Regulation 2018

Subordinate Legislation 2018 No. 21

made under the

Health Act 1937

Contents

		Page
1	Short title	2
2	Regulation amended	2
3	Amendment of s 48 (General conditions that apply to controlled drug wholesaler licence)	2
4	Amendment of s 78 (Specified condition drugs—amphetamine, dexamphetamine, lisdexamphetamine, methylamphetamine, methylphenidate)	2
5	Replacement of s 78A (Approved drug—nabiximols)	2
	78A Approved drug—nabiximols	2
	78B Exemptions for some acts involving regulated controlled drugs	5
6	Amendment of s 142 (General conditions that apply to restricted drug wholesaler licence)	6
7	Amendment of s 277 (Sale of S3 poisons)	6
8	Amendment of appendix 5 (Areas of local governments forming isolated practice areas)	7
9	Amendment of appendix 9 (Dictionary)	8
10	Amendment of other sections	9
Schedule 1	Other sections amended	10

1 Short title

This regulation may be cited as the *Health (Drugs and Poisons) (Cannabis and Other Matters) Amendment Regulation 2018*.

2 Regulation amended

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

3 Amendment of s 48 (General conditions that apply to controlled drug wholesaler licence)

Section 48(2), from ‘Australian’ to ‘Use’—

omit, insert—

wholesaling practice code

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

(1) Section 78(1)(c) to (e)—

omit.

(2) Section 78(1)(ba)—

renumber as section 78(1)(c).

5 Replacement of s 78A (Approved drug—nabiximols)

Section 78A—

omit, insert—

78A Approved drug—nabiximols

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

-
- (a) the person is a compliant doctor and dispenses, prescribes, supplies or uses the drug under an approval; or
 - (b) the person—
 - (i) is a compliant specialist medical practitioner in the specialty of rehabilitation medicine; and
 - (ii) dispenses, prescribes, supplies or uses the drug to treat a patient with multiple sclerosis experiencing spasticity; or
 - (c) the person—
 - (i) is a prescribed specialist medical practitioner; and
 - (ii) dispenses, prescribes, supplies or uses the drug to treat a prescribed patient.

Maximum penalty—80 penalty units.

- (2) In this section, a reference to a specialist medical practitioner, in a particular specialty, includes a registrar—
 - (a) in the speciality; and
 - (b) working under the direction of a specialist medical practitioner in the speciality.
- (3) In this section—

compliant, in relation to a doctor, means—

 - (a) the doctor's endorsement, under section 58, has not been suspended or cancelled; and
 - (b) the doctor maintains a current registration (the ***registration***), as a medical practitioner, under the Health Practitioner Regulation National Law; and
 - (c) the registration is not subject to a condition or undertaking prohibiting the doctor from performing an act that—

[s 5]

- (i) is mentioned in subsection (1); or
- (ii) otherwise involves a controlled drug.

prescribed patient means—

- (a) a person experiencing chemotherapy-induced nausea or vomiting; or
- (b) a terminally ill person being treated by a compliant palliative medicine specialist for symptoms associated with terminal illness; or
- (c) a child with intractable (drug resistant) epilepsy; or
- (d) a person with multiple sclerosis experiencing spasticity.

prescribed specialist medical practitioner means a compliant specialist medical practitioner in one or more of the following specialties—

- (a) general paediatrics;
- (b) gynaecological oncology;
- (c) haematology;
- (d) medical oncology;
- (e) neurology;
- (f) paediatric medical oncology;
- (g) paediatric neurology;
- (h) paediatric palliative medicine;
- (i) palliative medicine;
- (j) radiation oncology.

terminally ill person means a person who—

- (a) has a terminal illness; and
- (b) is, in the opinion of a compliant palliative medicine specialist treating the person,

reasonably expected to die within 1 year as a result of the terminal illness.

78B Exemptions for some acts involving regulated controlled drugs

- (1) This part does not prevent—
 - (a) a person dispensing a regulated controlled drug on a lawful prescription written by someone who may prescribe the drug; or
 - (b) a controlled drug manufacturer or wholesaler selling a regulated controlled drug; or
 - (c) a person under medical treatment who is lawfully supplied with a regulated controlled drug using the drug in the way directed.
- (2) Also, this part does not prevent either of the following from being carried out under the supervision of an authorised doctor—
 - (a) a doctor or nurse practitioner administering, or giving an oral or written instruction to administer, a regulated controlled drug to a person who is an inpatient in a hospital (the *inpatient*);
 - (b) a registered nurse administering a regulated controlled drug to an inpatient in a hospital (also the *inpatient*) under—
 - (i) an oral or written instruction given by the authorised doctor; or
 - (ii) an oral or written instruction mentioned in paragraph (a).
- (3) Subsection (2) applies only if the inpatient was receiving treatment with the regulated controlled drug immediately before becoming an inpatient in the hospital.

[s 6]

(4) In this section—

authorised doctor means a doctor authorised to dispense, obtain, prescribe, supply or use a regulated controlled drug under this part.

6 **Amendment of s 142 (General conditions that apply to restricted drug wholesaler licence)**

Section 142(3), from ‘Australian’ to ‘Use’—

omit, insert—

wholesaling practice code

7 **Amendment of s 277 (Sale of S3 poisons)**

Section 277(7)—

omit, insert—

(7) Subsections (1)(b) and (2) to (6) do not apply to the sale of—

(a) S3 salbutamol or S3 terbutaline to—

(i) a person mentioned in section 256B for use for first aid; or

(ii) another person who is a relevant person for use for first aid; or

(b) prescribed adrenalin to a relevant person for use for first aid; or

(c) an S3 poison to a ship’s master for use for first aid on the ship.

(8) In this section—

educational institution means—

(a) a State educational institution within the meaning of the *Education (General Provisions) Act 2006*, schedule 4; or

- (b) an accredited school under the *Education (Accreditation of Non-State Schools) Act 2017*.

nominated supervisor, for an education and care service, see the Education and Care Services National Law (Queensland), section 5(1).

prescribed adrenalin means adrenalin of a strength of not more than 0.1%, if administered by a pre-loaded device for the management of anaphylaxis.

Example—

an EpiPen

relevant person means—

- (a) a person who may administer an S3 poison under an approval; or
- (b) a Queensland approved provider of a QEC approved service; or
- (c) a supervisor for a QEC approved service; or
- (d) an approved provider of an education and care service; or
- (e) a nominated supervisor for an education and care service; or
- (f) a principal of an educational institution; or
- (g) a person nominated by a principal of an educational institution.

supervisor, for a QEC approved service, means a person appointed as supervisor for the service under the *Education and Care Services Act 2013*, section 113(3).

8 Amendment of appendix 5 (Areas of local governments forming isolated practice areas)

- (1) Appendix 5, after ‘Doomadgee,’—

insert—

[s 9]

Douglas,

- (2) Appendix 5, after ‘Maranoa,’—

insert—

Mareeba,

- (3) Appendix 5, after ‘Torres,’—

insert—

Torres Strait Island,

9 Amendment of appendix 9 (Dictionary)

- (1) Appendix 9, definitions *influenza epidemic proclamation* and *specialist health practitioner*—

omit.

- (2) Appendix 9—

insert—

influenza emergency declaration means a human biosecurity emergency declaration, within the meaning of the *Biosecurity Act 2015* (Cwlth), section 9, made wholly or partly for the purpose of preventing or controlling—

- (a) the entry of human influenza into the State;
or
(b) the emergence, establishment or spread of human influenza in the State.

specialist medical practitioner, in a specialty, means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession as a specialist registrant in the specialty.

wholesaling practice code means the Australian Code of Good Wholesaling Practice for Medicines in Schedules 2, 3, 4 and 8.

- (3) Appendix 9, definition *approved clinical trial*, from ‘, or another’ to ‘humans,’—

omit.

- (4) Appendix 9, definition *isolated practice area*, paragraph (aa), 'Marpuna'—

omit, insert—

Mapoon

- (5) Appendix 9, definition *isolated practice area (paramedics)*, paragraph (a), 'Marpuna'—

omit, insert—

Mapoon

- (6) Appendix 9, definition *podiatry guideline*, ', dated 15 March 2011 and'—

omit.

10 Amendment of other sections

Schedule 1 amends the sections it mentions.

Schedule 1 Other sections amended

section 10

1 Amendment for references to ‘influenza epidemic proclamation’

Each of the following provisions is amended by omitting ‘influenza epidemic proclamation’ and inserting ‘influenza emergency declaration’—

- section 164A(d)
- section 171(4)
- section 174(5)
- section 175(7)

2 Amendment for references to ‘specialist health practitioner’

Each of the following provisions is amended by omitting ‘specialist health practitioner’ and inserting ‘specialist medical practitioner’—

- section 185(b) and (c)
- section 186(1)(b) and (c)(i) and (2)(b)
- section 186A(b) and (c)
- section 186B(1)(b) and (c)(i)
- section 187(1)(b) and (c)(i)
- section 188(b) and (c)
- section 188A(b) and (c)
- section 188B(b), (c)(i) and (d)

ENDNOTES

- 1 Made by the Governor in Council on 8 March 2018.
- 2 Notified on the Queensland legislation website on 9 March 2018.
- 3 The administering agency is Queensland Health.

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