



Queensland

# Health (Drugs and Poisons) (COVID-19 Vaccination Services) Amendment Regulation 2021

## Subordinate Legislation 2021 No. 5

made under the

*Health Act 1937*

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**1 Short title**

This regulation may be cited as the *Health (Drugs and Poisons) (COVID-19 Vaccination Services) Amendment Regulation 2021*.

**2 Regulation amended**

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

**3 Amendment of s 143 (Offence to wholesale restricted drug without licence)**

Section 143—

*insert—*

*Note—*

See, however, section 213G in relation to persons authorised under part 9A, division 3.

**4 Amendment of s 146 (Endorsement needed for restricted drugs)**

Section 146—

*insert—*

*Note—*

See, however, section 213G in relation to persons authorised under part 9A, division 3.

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

(1) Section 200—

*insert—*

(5A) This section does not apply to an authorised person who obtains a COVID-19 vaccine under the Australian COVID-19 vaccination arrangements.

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- (2) Section 200(5A) and (6)—  
*renumber* as section 200(6) and (7).

## **6 Insertion of new ch 3, pt 9A**

Chapter 3—

*insert*—

### **Part 9A Special provisions for COVID-19 vaccination services**

#### **Division 1 Preliminary**

##### **213B Purpose of part**

The purpose of this part is to—

- (a) allow the chief executive to—
- (i) publish a code to facilitate the provision of COVID-19 vaccination services, subject to special requirements; and
  - (ii) declare particular persons to be declared providers for providing those services; and
- (b) authorise declared providers, and workers for those providers, to undertake particular activities for providing those services; and
- (c) allow the chief executive to give personal information reported to the chief executive under the code to other entities for particular purposes.

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### 213C Relationship with other regulation provisions

Nothing in this part—

- (a) limits another provision of this regulation under which a person is authorised to carry out an activity in relation to a COVID-19 vaccine or related drug; or
- (b) prevents a person carrying out an activity in relation to a COVID-19 vaccine or related drug that is lawful without an endorsement.

### 213D Definitions for part

In this part—

**COVID-19 vaccination centre** means a place at which a COVID-19 vaccination service is provided.

**COVID-19 vaccination code** see section 213E(1).

**COVID-19 vaccination service** means a health service established, under the Australian COVID-19 vaccination arrangements, primarily for administering COVID-19 vaccines to members of the public.

**declared provider**, of a COVID-19 vaccination service, means a person declared to be a declared provider for the service under section 213F.

**health service** see the *Health Ombudsman Act 2013*, section 7.

**personal information** see the *Information Privacy Act 2009*, section 12.

**related drug**, in relation to a COVID-19 vaccine, means an S3 poison or restricted drug used for the therapeutic treatment of a person having an adverse reaction to the vaccine.

*Examples—*

- an adrenaline ampoule

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- a pre-loaded device for the management of anaphylaxis such as an EpiPen

**worker**, for a declared provider of a COVID-19 vaccination service—

- (a) means a person employed or engaged by the provider of the service; and
- (b) includes a person engaged as a student or volunteer by the provider of the service.

## **Division 2            Code for, and declared providers of, vaccination services**

### **213E COVID-19 vaccination code**

- (1) The chief executive may publish a document (the ***COVID-19 vaccination code***) on the department's website stating the requirements for providing COVID-19 vaccination services under this part.
- (2) The COVID-19 vaccination code must include requirements in relation to—
  - (a) the qualifications, training or supervision necessary for workers for declared providers of COVID-19 vaccination services; and
  - (b) the recording of information related to the provision of the services; and
  - (c) the reporting of information, including personal information, related to the provision of the services.
- (3) Without limiting subsection (1) or (2), the COVID-19 vaccination code may also include requirements in relation to any of the following matters for COVID-19 vaccination services—

- (a) specifications for providing the services or setting up COVID-19 vaccination centres;
  - (b) procedures for prioritising who to vaccinate;
  - (c) procedures for assessing the health and suitability of persons to be vaccinated;
  - (d) procedures for safely preparing COVID-19 vaccines or related drugs;
  - (e) procedures for obtaining, selling, supplying, issuing or disposing of COVID-19 vaccines or related drugs;
  - (f) procedures for safely or securely storing COVID-19 vaccines or related drugs.
- (4) The COVID-19 vaccination code has effect from—
- (a) the day it is published on the department’s website; or
  - (b) if a later day of effect is stated in the code—on the later day.

### **213F Declaring providers of vaccination services**

- (1) The chief executive may, by notice published on the department’s website, declare a person to be a declared provider for providing a COVID-19 vaccination service under this part.
- (2) A declaration may be made under subsection (1) only if the chief executive is satisfied—
  - (a) the person, and workers for the person, will be able to comply with the COVID-19 vaccination code when providing the COVID-19 vaccination service; and
  - (b) an appropriately qualified individual will be responsible for overseeing the provision of the COVID-19 vaccination service.
- (3) A notice published under subsection (1) must

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state—

- (a) the name of the person declared; and
- (b) the name and contact details of the individual who is responsible for overseeing the provision of the COVID-19 vaccination service.

### **Division 3      Authorised activities for vaccination services**

#### **213G Effect of authorisation for regulation offences**

A person authorised under this division to carry out an activity does not commit an offence against another provision of this regulation to the extent—

- (a) the person acts under this division; and
- (b) if the person carrying out the activity is a worker for a declared provider of a COVID-19 vaccination service—
  - (i) the worker is permitted by the provider to carry out the activity for the provider; and
  - (ii) the granting of the permission does not contravene the COVID-19 vaccination code.

#### **213H Obtaining, selling and supplying vaccines and related drugs**

- (1) A declared provider of a COVID-19 vaccination service, or a worker for the provider, may, under the COVID-19 vaccination code, obtain COVID-19 vaccines or related drugs for the service.



- (2) An authorised supplier of COVID-19 vaccines or related drugs may, under the COVID-19 vaccination code, sell or supply the vaccines or drugs to a declared provider of a COVID-19 vaccination service, or a worker for the provider.
- (3) A declared provider of a COVID-19 vaccination service, or a worker for the provider, may, under the COVID-19 vaccination code, sell or supply COVID-19 vaccines or related drugs to another declared provider, or a worker for the other provider.
- (4) In this section—  
*authorised supplier*, of a COVID-19 vaccine or related drug, means a person from whom a declared provider may, under the COVID-19 vaccination code, obtain the vaccine or drug.

### **213I Possessing vaccines and related drugs for transportation**

- (1) A person engaged to transport a COVID-19 vaccine or related drug to or from a relevant place may, under the COVID-19 vaccination code, possess the vaccine or drug.
- (2) In this section—  
*relevant place* means a COVID-19 vaccination centre or another place at which it is necessary to keep a COVID-19 vaccine or related drug for providing a COVID-19 vaccination service.

### **213J Issuing vaccines and related drugs**

- (1) A declared provider of a COVID-19 vaccination service may, under the COVID-19 vaccination code, issue a COVID-19 vaccine or related drug to a worker for the provider.
- (2) A worker for a declared provider of a COVID-19 vaccination service may, under the COVID-19

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vaccination code, issue a COVID-19 vaccine or related drug to another worker for the provider.

### **213K Possessing and administering at vaccination centres**

A worker for a declared provider of a COVID-19 vaccination service may, under the COVID-19 vaccination code, possess or administer a COVID-19 vaccine or related drug at a COVID-19 vaccination centre.

### **213L Disposing of vaccines and related drugs**

A declared provider of a COVID-19 vaccination service, or a worker for the provider, may, under the COVID-19 vaccination code, dispose of a COVID-19 vaccine or related drug.

## **Division 4 Information sharing**

### **213M Giving personal information for particular purposes**

- (1) This section applies in relation to personal information reported to the chief executive under the COVID-19 vaccination code.
- (2) The chief executive may give the personal information to an entity to—
  - (a) facilitate the safe and effective therapeutic treatment of persons vaccinated at COVID-19 vaccination centres; or

*Example—*

giving personal information to a third party to provide a messaging service to notify vaccinated persons about health matters

- (b) report to the entity, or facilitate reporting to the entity, in relation to the use of

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COVID-19 vaccines under the Australian COVID-19 vaccination arrangements.

- (3) However, when giving the personal information, the chief executive must ensure the privacy of any persons to whom the information relates is protected from unjustified intrusion, to the extent possible.

## 7 Amendment of appendix 9 (Dictionary)

- (1) Appendix 9, definition *approval*—

*omit.*

- (2) Appendix 9—

*insert—*

***approval***—

- (a) means an approval given by the chief executive under this regulation for a person to do a thing; but
- (b) does not include a declaration made under section 213F.

***Australian COVID-19 vaccination arrangements*** means the arrangements made under the Australian COVID-19 vaccination policy to provide COVID-19 vaccines for vaccinating members of the public.

***Australian COVID-19 vaccination policy*** means the document called ‘Australian COVID-19 Vaccination Policy’, published by the Australian Government.

*Note—*

The Australian COVID-19 vaccination policy was first endorsed by the National Cabinet on 13 November 2020.

***COVID-19 vaccination centre***, for chapter 3, part 9A, see section 213D.

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***COVID-19 vaccination code***, for chapter 3, part 9A, see section 213E(1).

***COVID-19 vaccination service***, for chapter 3, part 9A, see section 213D.

***COVID-19 vaccine*** means a vaccine for COVID-19.

***declared provider***, of a COVID-19 vaccination service, for chapter 3, part 9A, see section 213D.

***health service***, for chapter 3, part 9A, see section 213D.

***personal information***, for chapter 3, part 9A, see section 213D.

***related drug***, in relation to a COVID-19 vaccine, for chapter 3, part 9A, see section 213D.

***worker***, for a declared provider of a COVID-19 vaccination service, for chapter 3, part 9A, see section 213D.

ENDNOTES

- 1 Made by the Governor in Council on 28 January 2021.
- 2 Notified on the Queensland legislation website on 29 January 2021.
- 3 The administering agency is Queensland Health.

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