



Queensland

*Health Act 1937*

# Health (Drugs and Poisons) Regulation 1996

Reprinted as in force on 1 October 2005

Reprint No. 7

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This regulation is reprinted as at 1 October 2005. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
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The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- reorder definitions consistent with current drafting practice (s 30)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- correct minor errors (s 44).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in the reprint, including table of corrected minor errors**
- **editorial changes made in earlier reprints.**

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Queensland

# Health (Drugs and Poisons) Regulation 1996

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# Health (Drugs and Poisons) Regulation 1996

[as amended by all amendments that commenced on or before 1 October 2005]

## Chapter 1 Introduction

### Part 1 Preliminary

#### 1 Short title

This regulation may be cited as the *Health (Drugs and Poisons) Regulation 1996*.

### Part 2 Interpretation

#### 3 Dictionary

- (1) The dictionary in appendix 9 of this regulation defines particular words used in this regulation.
- (2) Definitions found elsewhere in this regulation are signposted in the dictionary.

#### 4 Meaning of *manufacture*

- (1) *Manufacture*, of a controlled drug, restricted drug or a poison, means—
  - (a) perform a process to produce the drug or poison; or
  - (b) refine the drug or poison; or
  - (c) convert the drug or poison into another controlled or restricted drug or another poison; or

- (d) make or prepare an ampoule, capsule, tablet, vial or other similar article that is or contains the drug or poison; or
  - (e) mix or compound the drug or poison with another controlled or restricted drug, poison or substance; or
  - (f) pack or repack the drug or poison.
- (2) However, **manufacture** of a controlled or restricted drug or a poison does not include an act mentioned in subsection (1)(d), (e) or (f) done by a dispenser in relation to or for dispensing the drug or poison.
- (3) In addition, **manufacture**, of a poison, does not include an act mentioned in subsection (1)(e) done—
- (a) by a primary producer for use only by the person on the person's property, other than the act of self-administering the poison or administering the poison to another person; or
  - (b) by a pest management technician under a licence under the *Pest Management Act 2001*.
- (4) Also, a registered nurse or indigenous health worker does not **manufacture** a controlled or restricted drug or a poison only by packing or repacking it under a written policy about packing or repacking controlled or restricted drugs or poisons that is certified by the chief executive and published by the department.

## 5 Meaning of S2 to S9

- (1) The expression **S2, S3, S4, S5, S6, S7, S8** or **S9**, if followed by a controlled drug, restricted drug or a poison, means the drug or poison in the schedule to the standard with the number given in the expression.
- (2) The expression **S2, S3, S4, S5, S6, S7, S8** or **S9**, if followed by 'poison' or 'substance' without naming a poison or substance, means any poison in the schedule to the standard with the number given in the expression.

## 6 Meaning of *transaction*

*Transaction* means an event by which—

- (a) a controlled drug, restricted drug or a poison comes into or goes out of a person's possession; or
- (b) the composition, form or strength of, or way of packing, a controlled or restricted drug or a poison is changed.

*Examples of transactions—*

- obtaining and keeping samples of chemical starting materials used in manufacturing a controlled or restricted drug or a poison
- obtaining and keeping samples of finished products of a manufactured controlled or restricted drug or a poison
- manufacturing, packing and repacking a controlled or restricted drug or a poison
- moving a controlled or restricted drug or a poison from 1 place to another (with or without a change of ownership)

## 7 Application of interpretation provisions in standard to regulation

- (1) A word used in this regulation that is defined in the standard has the same meaning in this regulation as it does in the standard.
- (2) An interpretation provision in the standard applies in the interpretation of this regulation.
- (3) However, subsection (1) does not apply to the definition *poison* in the standard because, as defined in the standard, *poison* includes all substances to which this regulation applies, whether the substance is a controlled drug, restricted drug or poison under this regulation.
- (4) Despite the fact that the definition *poison* in this regulation does not have the same meaning as it has in the standard, the interpretation provisions in the standard that apply to the definition *poison* apply to controlled drugs, restricted drugs and poisons as defined in this regulation.

*Example of subsection (4)—*

Paragraph 1(2) of the standard states that, unless a contrary intention appears, a reference to a poison in a schedule includes a number of other

things, including, for example, every salt, active principle or derivative of the poison and every salt of such an active principle or derivative.

Also, paragraph 1(2)(g), (h) and (i) provides that a reference in a schedule to a poison does not include certain poisons, including, for example, a poison in a product in appendix A of the standard.

## **8 References to entering details, signing or dating entries etc.**

- (1) This section applies if a person is required to—
  - (a) enter details in a document, including writing a prescription; or
  - (b) sign or date an entry; or
  - (c) otherwise write on a document.
- (2) The person must write—
  - (a) in ink; and
  - (b) in a way that the entry or other matter is legible, except the person's signature.

Maximum penalty—20 penalty units.

- (3) This section does not apply to a person who uses a computer to keep records.

## **Part 3 Application of regulation to certain substances**

### **9 Provisions not applied to morphine or opium in certain preparations**

The provisions mentioned in appendix 1 of this regulation do not apply to—

- (a) morphine in a compounded preparation containing 0.1% or less of morphine calculated as anhydrous morphine; or

- (b) opium in a compounded preparation containing 0.1% or less of morphine calculated as anhydrous morphine.

## **9A Classification of new drugs and poisons**

- (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;<sup>1</sup> 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.

## **9B Reclassifications of poisons**

- (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.

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





## 12 Certain containers not to be used

- (1) A person must not sell any of the following in a container of a kind mentioned in paragraph 21, 22 or 23 of the standard<sup>3</sup> or a container that is a certified container under section 10(3) of this regulation—
- (a) a drug for internal human use;
  - (b) a medicine for internal human use;
  - (c) a poison for internal human use;
  - (d) food;
  - (e) a drink;
  - (f) a condiment.

Maximum penalty—60 penalty units.

- (2) A person must not use an immediate container<sup>4</sup> permanently marked with the name of a controlled or restricted drug or a poison as a container for a different drug or poison.

Maximum penalty—60 penalty units.

## 13 Camphor and naphthalene

A person must not sell camphor or naphthalene in ball, block, disc or pellet form for domestic use, unless it is in a device that, in normal use, prevents removal or ingestion of the camphor or naphthalene.

Maximum penalty—60 penalty units.

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3 See paragraphs 21 and 22 (Containers for poisons other than Schedule 5 poisons) and paragraph 23 (Containers for Schedule 5 poisons) of the standard.

4 Part 1 of the standard—

*Immediate container* includes all forms of containers in which a poison is directly packed but does not include any such container intended for consumption or any immediate wrapper.

## Part 5                      Endorsements

### Division 1                  Preliminary

#### 15      Suitability of person to hold endorsement

- (1) In deciding whether a person is a suitable person to hold, or to continue to hold, an endorsement the chief executive may have regard to, and may make inquiries about, the following—
  - (a) the person’s knowledge and understanding of the person’s obligations under this regulation;
  - (b) the person’s qualifications and experience;
  - (c) the person’s character and standing;
  - (d) any previous convictions the person has under the Act or this regulation.

*Example of paragraph (c)—*

The chief executive’s inquiries about an applicant’s suitability may include asking the commissioner of the police service for a written report about the applicant’s criminal history.

- (2) Subsection (1) does not limit the matter to which the chief executive may have regard in considering the suitability of the person to hold an endorsement.
- (3) In this section—

*this regulation* includes the *Poisons Regulation 1973*.

#### 16      Inquiries about person’s criminal history

- (1) If asked by the chief executive, the commissioner of the police service must give the chief executive a written report about the criminal history of a person who has applied for, or holds, an endorsement.
- (2) Subsection (1) applies to the criminal history in the commissioner’s possession or to which the commissioner has access.

## **Division 2                      Applications for endorsements**

### **17            Applications—form and fee**

An application for an endorsement, or the renewal of a drug licence, poison licence, treatment approval or wholesale representative licence, must—

- (a) be in the approved form<sup>5</sup> (if any); and
- (b) be accompanied by the appropriate fee (if any) in appendix 2 of this regulation.

### **18            How chief executive may deal with applications**

- (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, treatment approval or wholesale representative licence 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, treatment approval or wholesale representative licence, 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

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<sup>5</sup> See section 15A (Approval of forms) of the Act.

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, treatment approval or wholesale representative licence, 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.

**19 Renewal of drug licence, poison licence, treatment approval or wholesale representative licence before expiry**

- (1) The chief executive may renew a drug licence, poison licence, treatment approval or wholesale representative licence on application made to the chief executive before the licence or approval expires (the *expiry day*).
- (2) However, the chief executive must not renew a general poison licence if, on the expiry day, there is a pharmacy within 25km by road of the licensee's business premises.<sup>6</sup>
- (3) Despite subsection (2), if, during the term of a general poison licence, a pharmacy opens within 25km 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).

**20 Renewal of drug licence, poison licence, treatment approval or wholesale representative licence after expiry**

- (1) This section applies if—
  - (a) not less than 14 days before the expiry day, the holder of a drug licence, poison licence, treatment approval or wholesale representative licence applies for a renewal of the licence or approval; and
  - (b) the chief executive has not, before the expiry day, made a decision whether to renew the licence or approval.
- (2) The licence or approval continues until the day the applicant receives notice of the decision.

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<sup>6</sup> For general poison licences, see chapter 4 (Poisons).

- (3) If the chief executive decides to renew the licence or approval, the renewed licence or approval is taken to have been renewed on the expiry day.

## **Division 2A                    Applications for operating approvals**

### **20A    Purpose of division**

This division states the requirements, in addition to the requirements in division 2, that apply to an application for an operating approval.

### **20B    Who may apply for an operating approval**

A person may apply for an operating approval only if the person is a pharmacist who is authorised, under section 64(1)(f),<sup>7</sup> to administer or supply a controlled drug, under a drug therapy protocol, on the instruction of a doctor.

### **20C    Additional requirements for applications for operating approvals**

- (1) A person who applies for an operating approval must publish a notice about the application in a newspaper circulating generally in the area in which it is proposed to operate a controlled drugs administration facility.
- (2) The notice must—
- (a) invite members of the local community to make written submissions to the applicant about the establishment and operation of the facility; and
  - (b) state a period of at least 28 days after the notice is published in which submissions under paragraph (a) must be made.
- (3) An application for an operating approval must include—
- (a) a copy of the notice published under subsection (1); and

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<sup>7</sup> Section 64 (Pharmacists)

- (b) copies of any submissions made to the applicant by members of the local community, in response to the notice; and
- (c) a statement made by the applicant about the views of members of the local community in relation to the likely impact of the facility on the amenity of the community.

## **20D Chief executive may require further information or documents**

- (1) If the chief executive considers further information or a document is required for deciding an application for an operating approval, the chief executive may—
  - (a) by written notice given to the applicant, require the applicant to give the information or document to the chief executive within a reasonable period, of at least 21 days, stated in the notice; or
  - (b) ask another person to give the information or document to the chief executive.
- (2) Despite subsection (1)(a), the chief executive and the applicant may, within the period stated in the notice, agree to extend the period for complying with a requirement in the notice to a day (the *agreed compliance day*) after the end of the period stated in the notice.
- (3) If the applicant is given a notice under subsection (1)(a) and does not comply with a requirement under the notice within the period stated in the notice, or if applicable by the agreed compliance day, the applicant is taken to have withdrawn the application.

## **20E Deciding applications for operating approvals**

- (1) The chief executive must not grant an operating approval for a controlled drugs administration facility proposed for an area unless the chief executive is satisfied it is appropriate for the facility to be in the area.
- (2) In deciding whether it is appropriate, the chief executive may only consider—

- (a) the need for the facility in the area, taking into account the type and availability of health services in and near the area; and
- (b) the likely impact of the facility on the amenity of the local community, taking into account the views of members of the community.

## **20F Time for deciding applications for operating approvals**

- (1) The chief executive must decide an application for an operating approval within 30 days after the application is made (the *decision period*).
- (2) However, if the chief executive has given the applicant a notice under section 20D(1)(a), the chief executive may extend the time for deciding the application—
  - (a) for up to 30 days after the chief executive receives the information or document required under the notice (the *extended decision period*); or
  - (b) if the chief executive and the applicant agree—for a reasonable period after the period mentioned in paragraph (a) (the *agreed extended decision period*).
- (3) Also, if the chief executive has asked a person for information or a document under section 20D(1)(b), the chief executive may extend the time for deciding the application—
  - (a) for up to 60 days after the chief executive receives the application (also the *extended decision period*); or
  - (b) if the chief executive and the applicant agree—for a reasonable period after the period mentioned in paragraph (a) (also the *agreed extended decision period*).
- (4) The chief executive must give the applicant a written notice about the extended decision period, or the agreed extended period, for a decision.
- (5) If the chief executive fails to decide the application within the decision period, or if applicable, the latest extended decision period or agreed extended decision period, the failure is taken to be a decision by the chief executive to refuse to grant the operating approval.



### **Division 3                      Other provisions about endorsements**

#### **21            Holder of endorsement must comply with conditions**

The holder of an endorsement must not contravene a condition of the endorsement.

Maximum penalty—80 penalty units.

#### **22            Term of drug licence, poison licence or wholesale representative licence**

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

### **Division 4                      Suspension or cancellation of endorsement**

#### **23            Grounds for suspension or cancellation of endorsement**

Each of the following is a ground for the suspension or cancellation of an endorsement—

- (a) the endorsement has been obtained on the basis of incorrect or misleading information;
- (b) the holder of the endorsement is not a suitable person to hold the endorsement;
- (c) if the endorsement is granted by the chief executive and states premises for the conduct of business under the endorsement—the premises are unfit for use under the endorsement;
- (d) the holder of the endorsement has breached a condition stated in the endorsement;
- (e) the holder of the endorsement has contravened a provision of this regulation;
- (f) if the endorsement is an operating approval—the authority of the holder of the endorsement under section 64(1)(f) is suspended, cancelled or otherwise ceases.

**24 Procedure for suspension or cancellation of endorsement**

- (1) If the chief executive considers there is a ground to suspend or cancel an endorsement (the *proposed action*), the chief executive may give the holder of the endorsement (the *endorsement holder*) a written notice that—
  - (a) states the proposed action; and
  - (b) states the grounds for the proposed action; and
  - (c) outlines the facts and circumstances forming the basis for the grounds; and
  - (d) if the proposed action is suspension of the endorsement—states the proposed suspension period; and
  - (e) invites the endorsement holder to show, in writing and within a stated time of at least 28 days, why the proposed action should not be taken.
- (2) The notice must state whether the proposed action relates to—
  - (a) all controlled drugs, restricted drugs, poisons or activities permitted under the endorsement; or
  - (b) a stated controlled drug, restricted drug or poison or a stated activity permitted under the endorsement.
- (3) If, after considering all written representations made within the stated time, the chief executive still considers there is a ground to take the proposed action, the chief executive may—
  - (a) if the proposed action was to suspend the endorsement for all controlled drugs, restricted drugs, poisons or activities permitted under the endorsement for a stated period—suspend the endorsement, for not longer than the proposed suspension period, for—
    - (i) all controlled drugs, restricted drugs, poisons or activities permitted under the endorsement; or
    - (ii) a stated controlled drug, restricted drug or poison or a stated activity; or
  - (b) if the proposed action was to suspend the endorsement for a stated controlled drug, restricted drug or poison or a stated activity for a stated period—suspend the

- endorsement for the controlled drug, restricted drug, poison or activity for not longer than the proposed suspension period; or
- (c) if the proposed action was to cancel the endorsement—
- (i) for a stated controlled drug, restricted drug or poison or a stated activity—either cancel the endorsement, or suspend it for a stated period, for the controlled drug, restricted drug, poison or activity; or
- (ii) if subparagraph (i) does not apply—either cancel the endorsement or suspend it for a stated period.
- (4) Within 10 days after the chief executive makes the decision, the chief executive must give written notice of the decision to the endorsement holder.
- (5) If the chief executive decides to suspend or cancel the endorsement, the notice must state—
- (a) the reasons for the decision; and
- (b) the endorsement holder may appeal to a Magistrates Court against the decision within 28 days after the person receives notice of the decision.
- (6) The decision takes effect on the later of—
- (a) the day the notice is given to the endorsement holder; or
- (b) the day of effect stated in the notice.
- (7) However, if the endorsement is suspended or cancelled because of a conviction—
- (a) the suspension or cancellation does not take effect until—
- (i) the end of the time to appeal against the conviction; or
- (ii) if an appeal is made against the conviction—the appeal is finally decided; and
- (b) the suspension or cancellation has no effect if the conviction is quashed.

**25 Urgent suspension or cancellation of endorsement**

- (1) This section applies if the chief executive is reasonably satisfied—
  - (a) urgent action about a particular endorsement is necessary in the circumstances; and
  - (b) undue delay in suspending or cancelling the endorsement may cause harm to the public.
- (2) The chief executive may suspend or cancel the endorsement even though the chief executive has not given notice to the endorsement holder under section 30.<sup>8</sup>
- (3) However, the chief executive must immediately give written notice of the decision to the endorsement holder.
- (4) The notice must state—
  - (a) the reasons for the decision, including the reasons for the urgent suspension or cancellation; and
  - (b) the endorsement holder may appeal against the decision within 28 days after the person receives notice of the decision to a Magistrates Court.
- (5) The notice must state whether the urgent suspension or cancellation relates to—
  - (a) all controlled drugs, restricted drugs, poisons, business premises or activities permitted under the endorsement; or
  - (b) a stated controlled drug, restricted drug or poison, stated business premises or a stated activity permitted under the endorsement.
- (6) The decision takes effect on the later of—
  - (a) the day the notice is given to the endorsement holder; or
  - (b) the day of effect stated in the notice.

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8 Section 30 (Minor amendment of endorsement)

**25A Urgent cancellation of certain approvals**

- (1) This section applies to each of the following approvals (a *specified approval*)—
  - (a) an approval mentioned in section 78(1)(a)<sup>9</sup> for the treatment of a person by a doctor;
  - (b) an approval under section 122,<sup>10</sup> other than an approval for the treatment of a class of drug dependent persons;
  - (c) an approval under section 213,<sup>11</sup> other than an approval for the treatment of a class of drug dependent persons.
- (2) The chief executive may cancel a specified approval if the chief executive is reasonably satisfied—
  - (a) the holder of the specified approval (the *former approval holder*) has ceased to treat the person to whom the approval relates; and
  - (b) it is reasonably necessary, for the welfare of the person, for the chief executive to urgently give a specified approval to a doctor other than the former approval holder.
- (3) The chief executive must immediately give written notice of the decision to the former approval holder.
- (4) The notice must state—
  - (a) the reasons for the decision, including the reasons for cancelling the approval under this section; and
  - (b) that the former approval holder may appeal against the decision to a Magistrates Court within 28 days after receiving notice of the decision.
- (5) The decision takes effect on the later of—
  - (a) the day the notice is given to the former approval holder;or

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9 Section 78 (Specified condition drugs—amphetamine, dexamphetamine, methylamphetamine, methylphenidate, phenmetrazine)

10 Section 122 (Approval needed for treating drug dependent person with controlled drugs)

11 Section 213 (Approval needed for treatment by doctor of drug dependent person with restricted drugs of dependency)

- (b) the day of effect stated in the notice.
- (6) For subsection (2)(a), the chief executive may be reasonably satisfied a former approval holder has ceased to treat a person regardless of—
  - (a) the reason the treatment ceased; or
  - (b) when the former approval holder last treated the person.

## **26 Return of endorsement**

- (1) The holder of a suspended endorsement, or the former holder of a cancelled endorsement, must return the endorsement to the chief executive within 14 days after the suspension or cancellation takes effect, unless the person has a reasonable excuse for not returning it within the 14 days.

Maximum penalty—20 penalty units.

- (2) If a suspended endorsement is returned to the chief executive, the chief executive must return it to the endorsement holder at the end of the suspension period.

## **26A Application for amendment or repeal of decision to suspend or cancel endorsement**

- (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.

## **Division 5 Replacement, amendment, return and surrender of endorsements**

### **27 Replacement of endorsement**

- (1) The holder of an endorsement may apply to the chief executive for the replacement of a lost, stolen or destroyed endorsement.

- (2) If the chief executive is reasonably satisfied the endorsement has been lost, stolen or destroyed, the chief executive must replace the endorsement.
- (3) If the chief executive is not satisfied the endorsement has been lost, stolen or destroyed, the chief executive must—
  - (a) refuse to replace the endorsement; and
  - (b) give the applicant a written notice that states—
    - (i) the decision; and
    - (ii) the reasons for the decision; and
    - (iii) the applicant may appeal against the decision to a Magistrates Court within 28 days after the applicant receives notice of the decision.

## **28 Amendment of endorsement on application**

- (1) The holder of an endorsement may apply to the chief executive for an amendment of the endorsement.
- (2) The chief executive must decide the application by—
  - (a) amending the endorsement in the way sought; or
  - (b) refusing to amend the endorsement.
- (3) The chief executive may amend the endorsement only if the chief executive is reasonably satisfied the amendment is necessary or desirable in the interests of the effective administration of this regulation.
- (4) If the chief executive refuses to amend the endorsement, the chief executive must 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.

**29 Amendment of endorsement without application**

- (1) The chief executive may amend an endorsement if—
  - (a) the holder of the endorsement agrees to the amendment; or
  - (b) the chief executive is reasonably satisfied the endorsement should be amended.
- (2) If the chief executive is reasonably satisfied the endorsement should be amended, the chief executive must give the endorsement holder a written notice that—
  - (a) states the proposed amendment and the reasons for the amendment; and
  - (b) outlines the facts and circumstances that form the basis for the reasons; and
  - (c) invites the endorsement holder to make written representations to the chief executive, within a stated time of at least 28 days, to show why the endorsement should not be amended.
- (3) If, after considering the representations properly made by the endorsement holder, the chief executive is still reasonably satisfied the endorsement should be amended in the way mentioned in the notice, or in another way having regard to the representations, the chief executive must give the endorsement holder—
  - (a) a new endorsement; and
  - (b) a written notice that states—
    - (i) the old endorsement has been cancelled; and
    - (ii) the way in which the new endorsement is different from the old endorsement; and
    - (iii) the reasons for the amendment; and
    - (iv) the endorsement holder may appeal to a Magistrates Court against the decision within 28 days after the person receives notice of the decision.



**30 Minor amendment of endorsement**

- (1) This section applies if—
  - (a) the chief executive is reasonably satisfied an endorsement should be amended; and
  - (b) the proposed amendment does not adversely affect the endorsement holder's interests, including, for example—
    - (i) by omitting a condition; or
    - (ii) by correcting an error; or
    - (iii) by making another change, other than a change of substance.
- (2) The chief executive may amend the endorsement by written notice given to the endorsement holder.
- (3) The notice must state the reasons for the decision.
- (4) Section 29(2) and (3) do not apply to the amendment.

**31 Date amendment of endorsement takes effect**

A decision to amend an endorsement under section 28, 29 or 30 takes effect on the later of—

- (a) the day the notice of the amendment is given to the endorsement holder; or
- (b) the day of effect stated in the notice.

**32 Surrender of endorsement**

- (1) The holder of an endorsement may surrender the endorsement by written notice given to the chief executive.
- (2) The endorsement holder must return the endorsement with the notice, unless the endorsement holder has a reasonable excuse.

Maximum penalty—20 penalty units.

- (3) The surrender takes effect on the day the notice is given.
- (4) Subsection (2) does not apply to an endorsement holder if the endorsement is an authority.

## **Part 6**                      **Appeals**

### **33**        **Decisions open to appeal**

- (1) An applicant for an endorsement may appeal against the chief executive's decision to refuse to grant the endorsement or to grant an endorsement subject to conditions.
- (2) An endorsement holder may appeal against the following decisions of the chief executive—
  - (a) a decision to refuse to renew a drug licence or poison licence;
  - (b) a decision to renew a drug licence or poison licence on new conditions;
  - (c) a decision to suspend or cancel an endorsement;
  - (d) a decision to refuse to amend an endorsement;
  - (e) a decision to amend an endorsement without application, including a decision to make a minor amendment.

### **34**        **Starting an appeal**

- (1) A person may start an appeal by filing a written notice of appeal with the clerk of the Magistrates Court nearest the place where the person proposes to carry on business, carries on business, works or lives.
- (2) The notice of appeal must be filed within 28 days after the person receives written notice of the decision appealed against.
- (3) However, the person may make the application within 28 days after the person is given a statement of reasons if—
  - (a) the decision did not state the reasons for the decision; and
  - (b) the person asked for a statement of reasons within the period mentioned in subsection (2).
- (4) Also, the court may extend the period for filing the notice of appeal.

- (5) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

### **35 Notice of appeal to be given to chief executive**

The clerk of the Magistrates Court must promptly give a copy of the notice of appeal to the chief executive.

### **36 Stay of operation of decisions**

- (1) The Magistrates Court may grant a stay of the decision to secure the effectiveness of the appeal.
- (2) The stay—
- (a) may be given on conditions the court considers appropriate; and
  - (b) operates for the period fixed by the court; and
  - (c) may be revoked or amended by the court.
- (3) The period of a stay must not extend past the time when the court decides the appeal.
- (4) An appeal against a decision does not affect the decision, or the carrying out of the decision, unless the court grants a stay of the decision.

### **37 Hearing procedures for appeal**

- (1) The Magistrates Court—
- (a) is not bound by the rules of evidence; and
  - (b) must observe natural justice; and
  - (c) may hear the appeal in court or chambers.
- (2) The appeal is by way of rehearing, unaffected by the chief executive's decision.

### **38 Powers of court on appeal**

- (1) In deciding an appeal against a decision of the chief executive, the Magistrates Court may—

- (a) confirm the decision; or
  - (b) vary the decision; or
  - (c) set aside the decision and make a decision in substitution for the decision; or
  - (d) set aside the decision and return the issue to the chief executive with directions the court considers appropriate.
- (2) In varying the decision or substituting another decision, the court has the same powers as the chief executive.

*Example—*

The court may decide that an unsuccessful applicant for an endorsement be granted the endorsement and impose conditions on it.

- (3) If, on appeal, the court acts under subsection (1)(b) or (c), the decision is taken, for this regulation (other than this part), to be that of the chief executive.

### **39 Appeal to District Court on questions of law only**

A party dissatisfied by the Magistrates Court's decision may appeal to the District Court, but only on a question of law.

## **Chapter 2 Controlled drugs**

### **Part 1 Licences**

#### **Division 1 Preliminary**

### **40 Application of pt 1**

This part applies to the following types of licences—

- (a) controlled drug manufacturer licences;
- (b) controlled drug wholesaler licences.

**41 Licence to state business premises and other particulars**

- (1) A licence under this chapter applies only to the place stated in the licence as the licensee's business premises.
- (2) The chief executive must not state more than 1 place in the licence as the licensee's business premises.
- (3) For a controlled drug manufacturer licence, the chief executive must also state in the licence—
  - (a) the controlled drug or drugs the licensee may manufacture under the licence at the premises; and
  - (b) the title of the position that has responsibility for supervising the manufacture of the controlled drug or drugs at the premises.
- (4) For a controlled drug wholesaler licence, the chief executive may state in the licence the controlled drug or drugs the licensee is authorised to sell under the licence.

**Division 2                      Controlled drug manufacturer licence****42 Restrictions on grant of controlled drug manufacturer licence**

The chief executive may grant a controlled drug manufacturer licence to a person only if the chief executive is reasonably satisfied—

- (a) the person—
  - (i) intends to carry on business as a controlled drug manufacturer; and
  - (ii) is a suitable person to manufacture and sell controlled drugs; and
- (b) an individual who holds the position responsible for supervising the manufacture of the controlled drug or drugs has the qualifications and experience necessary to effectively supervise the manufacture; and
- (c) the premises to be used for manufacturing the controlled drug or drugs are suitable for the purpose.

**43 Controlled drug manufacturer licence**

A controlled drug manufacturer—

- (a) may manufacture only the controlled drugs stated in the manufacturer's licence; and
- (b) is taken to hold a controlled drug wholesaler licence.

**44 General conditions that apply to controlled drug manufacturer licence**

A controlled drug manufacturer—

- (a) must not manufacture, have, keep or sell a controlled drug at a place other than the manufacturer's business premises; and
- (b) must ensure each controlled drug manufactured under the manufacturer's licence is manufactured under the personal supervision of the individual who holds the position named in the licence; and
- (c) must ensure a controlled drug at the manufacturer's business premises is not handled by a person other than the manufacturer or a competent adult employee of the manufacturer.

Maximum penalty—80 penalty units.

**45 Offence to manufacture controlled drugs without licence**

A person must not manufacture a controlled drug unless the person—

- (a) holds a controlled drug manufacturer licence for the drug; or
- (b) manufactures the controlled drug under a licence, permit or other authority under the *Narcotic Drugs Act 1967* (Cwlth); or
- (c) is a State analyst who manufactures the controlled drug for the analyst's official duties; or

- (d) holds an endorsement under section 18(1)<sup>12</sup> to manufacture the controlled drug.

Maximum penalty—80 penalty units.

## **Division 3                      Controlled drug wholesaler licence**

### **46            Restrictions on grant of controlled drug wholesaler licence**

The chief executive may grant a controlled drug wholesaler licence to a person only if the chief executive is reasonably satisfied—

- (a) the person intends to carry on business as a controlled drug wholesaler; and
- (b) the person is a suitable person to sell controlled drugs; and
- (c) the premises to be used for wholesaling the controlled drugs are suitable for the purpose.

### **47            Controlled drug wholesaler licence**

- (1) A controlled drug wholesaler may sell a controlled drug (whether or not for resale) to—
  - (a) an authorised person; or
  - (b) someone in another State who may obtain the drug under the law of the other State.
- (2) Also, a controlled drug wholesaler may sell a controlled drug by wholesale to a person in another country who may lawfully obtain the drug in the other country.
- (3) Subsection (2) does not apply to a controlled drug that is a prohibited export under the *Customs Act 1901* (Cwlth).

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

**48 General conditions that apply to controlled drug wholesaler licence**

- (1) A controlled drug wholesaler—
- (a) must not have, keep or sell a controlled drug at a place other than the wholesaler's business premises; and
  - (b) must ensure a controlled drug at the wholesaler's business premises is not handled by a person other than the wholesaler or a competent adult employee of the wholesaler; and
  - (c) must not sell a controlled drug to anyone other than someone to whom the wholesaler may sell the drug under this regulation.

Maximum penalty—80 penalty units.

- (2) A controlled drug wholesaler must, in carrying on business under the wholesaler's licence, comply with the Australian Code of Good Wholesaling Practice for Therapeutic Goods for Human Use.<sup>13</sup>

Maximum penalty—80 penalty units.

**49 Offence to wholesale controlled drugs without licence**

A person must not sell a controlled drug by wholesale unless the person—

- (a) holds a controlled drug manufacturer licence or controlled drug wholesaler licence for the drug; or
- (b) manufactures the controlled drug under a licence, permit or other authority under the *Narcotic Drugs Act 1967* (Cwlth).

Maximum penalty—80 penalty units.

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13 The code is available from the Therapeutic Goods Administration's website at <[www.tga.gov.au](http://www.tga.gov.au)>.



## **Division 4                    General**

### **49A    Licensee to give invoice when selling controlled drug**

- (1) A licensee must, when selling a controlled drug to a person, give the person an invoice for the sale of the drug.

Maximum penalty—40 penalty units.

- (2) The licensee must ensure the invoice—
- (a) has a unique number; and
  - (b) states—
    - (i) the date of the sale; and
    - (ii) the name and address of the person to whom the controlled drug is sold; and
  - (c) describes the controlled drug and the quantity or volume of the drug sold.

Maximum penalty—40 penalty units.

### **50        Records of transactions to be kept by licensee**

- (1) A licensee must keep a record of controlled drugs (a *controlled drugs register*)—

- (a) as written entries in a book; or
- (b) in an electronic form; or
- (c) in another certified way.

Maximum penalty—40 penalty units.

- (2) If the controlled drugs register is a book, the licensee must ensure each page of the register—

- (a) has a general heading describing the class and measurement unit of the controlled drug recorded on the page; and
- (b) is ruled into columns with headings describing the nature of the details to be recorded in each column.

Maximum penalty—40 penalty units.

- (2A) If the controlled drugs register is in an electronic form, the licensee must ensure the entries in the register are stored in a computer system that has enough capacity and backup capability for the purpose.

Maximum penalty—40 penalty units.

- (3) The licensee must—
- (a) use a separate page, or a separate part of the drugs register, for each class of controlled drug; and
  - (b) enter in the register the following details of each transaction for a controlled drug—
    - (i) the date of the transaction;
    - (ii) the name and address of the person who sold the controlled drug to the licensee;
    - (iii) the name and address of the person to whom the controlled drug was sold;
    - (iv) the invoice or other number of the transaction;
    - (v) the quantity or volume of the controlled drug obtained or sold;
    - (vi) the quantity or volume of the controlled drug in stock after the transaction; and
  - (c) ensure each transaction is recorded in the order in which it happens.

Maximum penalty—40 penalty units.

- (4) A licensee must not make entries about a restricted drug or a poison in the controlled drugs register.

Maximum penalty—40 penalty units.

- (5) The licensee must keep the controlled drugs register at the licensee's business premises.

Maximum penalty—40 penalty units.

- (6) If the licensee has more than 1 licence and the licensee's records are kept on a computer at the licensee's central or main office, the licensee must keep the records for each licence at the relevant business premises.

Maximum penalty—40 penalty units.

## **Part 2                      Endorsements**

### **Division 1                  Preliminary**

#### **51              Endorsement needed for controlled drugs**

- (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.

## **Division 2                      Particular authorities**

### **52                      Anaesthetic assistants and enrolled nurses**

- (1) Subsection (2) applies to the following persons—
- (a) an anaesthetic assistant holding a qualification acceptable to the Australian and New Zealand College of Anaesthetists;
  - (b) an enrolled nurse.
- (2) The anaesthetic assistant or enrolled nurse is authorised to possess, under the written instruction of a doctor administering anaesthesia, a controlled drug at a hospital when preparing for, and during, anaesthetic procedures.
- (3) Subsection (4) applies to a person (a *trainee*) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise as an anaesthetic assistant.
- (4) To the extent necessary to undergo the course of training, the trainee is authorised to possess a controlled drug, only if the trainee possesses the drug—
- (a) at a hospital, when preparing for, or during, an anaesthetic procedure; and
  - (b) under the written instruction of a doctor administering anaesthesia; and
  - (c) under the direction and personal supervision of an anaesthetic assistant mentioned in subsection (1)(a).

**53 Approved dispenser**

If the chief executive is reasonably satisfied a person who is employed as a pharmacist's assistant has had satisfactory training and experience in dispensing controlled drugs, the chief executive may give the person an approval to dispense a controlled drug at a dispensary under a pharmacist's direction and personal supervision.

**54 Bases and outposts of Royal Flying Doctor Service**

- (1) The person in charge of a base of the Royal Flying Doctor Service of Australia is authorised to—
  - (a) obtain a controlled drug that a doctor employed by the service considers necessary; or
  - (b) possess a controlled drug obtained under paragraph (a).
- (2) The person in charge of an outpost of the Royal Flying Doctor Service of Australia is authorised to—
  - (a) possess a controlled drug that a doctor employed by the service considers necessary; or
  - (b) administer or supply a controlled drug at the outpost under a doctor's oral or written instruction.

**55 Carriers**

To the extent necessary to transport and deliver a controlled drug, the following persons are authorised to possess a controlled drug—

- (a) a person engaged to transport and deliver the controlled drug;
- (b) an adult acting for a person engaged to transport and deliver the controlled drug.

**56 Dentists**

- (1) To the extent necessary to practise dentistry, a dentist is authorised to—
  - (a) obtain codeine, morphine, oxycodone, papaveretum, pentazocine or pethidine; or

- (b) possess codeine, morphine, oxycodone, papaveretum, pentazocine or pethidine at the place where the dentist practises dentistry; or
  - (c) administer codeine, morphine, oxycodone, papaveretum, pentazocine or pethidine to a person while treating the person; or
  - (d) prescribe not more than 3 days supply of codeine or pentazocine for a person's dental treatment; or
  - (e) give someone who may administer a controlled drug an oral or written instruction to administer codeine, morphine, oxycodone, papaveretum, pentazocine or pethidine at the place where the dentist practises dentistry.
- (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.
- (3) Subsection (4) applies to a person (a *trainee*) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise dentistry.
- (4) To the extent necessary to undergo the course of training, the trainee is authorised to—
- (a) possess codeine, morphine, oxycodone, papaveretum, pentazocine or pethidine under a dentist's direction at the place where the dentist practises dentistry; or
  - (b) administer codeine, morphine, oxycodone, papaveretum, pentazocine or pethidine, under a dentist's personal supervision, while the dentist is treating a person.

## 57 Detention centres

- (1) The manager of a detention centre is authorised to—

- (a) obtain a controlled drug for use at the detention centre on a purchase order complying with part 5;<sup>14</sup> or
  - (b) possess a controlled drug at the detention centre; or
  - (c) issue a controlled drug to an authorised person who may administer or supply it for the treatment of a child detained at the detention centre.
- (2) A detention centre's director of nursing or medical superintendent, or the pharmacist in charge of a detention centre's dispensary, is authorised to—
- (a) obtain a controlled drug for use at the detention centre on a purchase order complying with part 5; or
  - (b) possess a controlled drug at the detention centre; or
  - (c) issue a controlled drug to an authorised person who may administer or supply it for the treatment of a child detained at the detention centre.

## **58 Doctors**

To the extent necessary to practise medicine, a doctor is authorised to—

- (a) obtain a controlled drug; or
- (b) possess a controlled drug at a place occupied by the doctor; or
- (c) if the doctor is reasonably satisfied a person the doctor is treating needs a controlled drug for a therapeutic use as part of the person's medical treatment—
  - (i) administer the drug to the person; or
  - (ii) dispense or prescribe the drug to or for the person; or
  - (iii) supply the drug to or for the person; or
  - (iv) obtain the drug for the person; or

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14 Chapter 2 (Controlled drugs), part 5 (Obtaining and selling controlled drugs on purchase order)

- (d) give someone who may administer or supply a controlled drug an oral or written instruction to administer or supply the drug.

## **59 Hospitals**

- (1) This section applies to the following persons—
  - (a) the medical superintendent of a hospital;
  - (b) the pharmacist in charge of a hospital's dispensary;
  - (c) the director of nursing of a hospital.
- (2) A person to whom this section applies is authorised to—
  - (a) obtain a controlled drug for use at the hospital; or
  - (b) possess a controlled drug at the hospital; or
  - (c) issue a controlled drug for treatment of the hospital's patients.

## **59A Indigenous health workers**

An indigenous health worker, while practising in an Aboriginal or Torres Strait Islander community in an isolated practice area in a specified health service district, is authorised—

- (a) to obtain and possess a controlled drug; or
- (b) to administer a controlled drug, under a drug therapy protocol, on the oral or written instruction of a doctor or nurse practitioner.

## **60 Inspectors**

To the extent necessary to perform an inspector's official duties, an inspector is authorised—

- (a) to obtain a controlled drug; or
- (b) to possess a controlled drug; or
- (c) in a disaster or emergency situation—to destroy a controlled drug.



**61 Manufacturer or wholesaler of controlled drugs**

- (1) A controlled drug manufacturer is authorised to—
  - (a) obtain a controlled drug (an *ingredient drug*) for manufacturing a different controlled drug stated in the manufacturer's licence; or
  - (b) possess an ingredient drug at the manufacturer's business premises.
- (2) A controlled drug wholesaler is authorised to—
  - (a) obtain a controlled drug; or
  - (b) possess a controlled drug at the wholesaler's business premises.
- (3) An adult employee of a controlled drug manufacturer or wholesaler is authorised to possess a controlled drug at the manufacturer's or wholesaler's business premises if—
  - (a) the drug is packed in the way required under chapter 1, part 4;<sup>15</sup> and
  - (b) the employee is acting within the scope of the employment; and
  - (c) the possession is reasonably necessary for the employee to deliver the drug to an authorised person under a lawful transaction between the employer and the authorised person.

**62 Midwives**

To the extent necessary to practise midwifery, a midwife is authorised to possess a controlled drug at the place where the person practises midwifery and administer the drug—

- (a) on the oral or written instruction of a doctor or nurse practitioner; or
- (b) to the person for whom it has been dispensed under the instructions stated by the dispenser.

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<sup>15</sup> Chapter 1 (Introduction), part 4 (Packing and labelling)

**63 Nursing homes**

- (1) This section applies to the following persons—
  - (a) a nursing home's director of nursing or medical superintendent;
  - (b) the registered nurse in charge of a nursing home;
  - (c) the pharmacist in charge of a nursing home's dispensary.
- (2) A person to whom this section applies is authorised to—
  - (a) obtain a controlled drug for use at the nursing home on a purchase order complying with part 5;<sup>16</sup> or
  - (b) possess a controlled drug at the nursing home; or
  - (c) issue a controlled drug to an authorised person who may administer or supply it for the treatment of a resident of the nursing home.

**64 Pharmacists**

- (1) To the extent necessary to practise pharmacy, a pharmacist is authorised to—
  - (a) obtain a controlled drug; or
  - (b) dispense a controlled drug; or
  - (c) sell a controlled drug (other than by wholesale) on a purchase order; or
  - (d) possess a controlled drug at a dispensary or at an institution; or
  - (e) for a pharmacist practising pharmacy at a public sector hospital—supply a controlled drug, on the oral or written instruction of a doctor or nurse practitioner, to a person being discharged from the hospital or an outpatient of the hospital; or
  - (f) administer or supply a controlled drug, under a drug therapy protocol, on the oral or written instruction of a

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<sup>16</sup> Chapter 2 (Controlled drugs), part 5 (Obtaining and selling controlled drugs on purchase order)

doctor who holds a treatment approval or an oral approval under section 122(6).<sup>17</sup>

- (2) A trainee pharmacist is authorised to—
- (a) possess a controlled drug at a dispensary under a pharmacist's direction; or
  - (b) dispense a controlled drug at or from a dispensary under a pharmacist's direction and personal supervision; or
  - (c) administer a controlled drug under a drug therapy protocol at a dispensary under a pharmacist's direction and personal supervision.

## **65 Prisons**

- (1) The general manager of a prison is authorised to—
- (a) obtain a controlled drug for use at the prison on a purchase order complying with part 5;<sup>18</sup> or
  - (b) possess a controlled drug at the prison; or
  - (c) issue a controlled drug to an authorised person who may administer or supply it for the treatment of a prisoner at the prison.
- (2) A prison's director of nursing or medical superintendent, or the pharmacist in charge of a prison's dispensary, is authorised to—
- (a) obtain a controlled drug for use at the prison on a purchase order complying with part 5; or
  - (b) possess a controlled drug at the prison; or
  - (c) issue a controlled drug to an authorised person who may administer or supply it for the treatment of a prisoner at the prison.

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17 Section 122 (Approval needed for treating drug dependent person with controlled drugs)

18 Chapter 2 (Controlled drugs), part 5 (Obtaining and selling controlled drugs on purchase order)

**66 Queensland Ambulance Service**

- (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).

**67 Registered nurses**

- (1) To the extent necessary to practise nursing, a registered nurse is authorised to—
  - (a) possess a controlled drug at a place where he or she practises nursing; or
  - (b) administer a controlled drug—

- (i) on the oral or written instruction of a dentist, doctor or nurse practitioner; or
  - (ii) to the person for whom it has been dispensed under the instructions stated by the dispenser.
- (2) To the extent necessary to practise nursing in a rural hospital or an isolated practice area, a rural and isolated practice endorsed nurse is authorised to—
  - (a) obtain a controlled drug; or
  - (b) possess a controlled drug in the rural hospital or at a place in the isolated practice area where the person practises nursing; or
  - (c) administer or supply a controlled drug, on the oral or written instruction of a doctor or nurse practitioner or under a drug therapy protocol, to a person.
- (3) To the extent necessary to practise nursing at a hospital within an isolated practice area, a registered nurse is authorised to supply a controlled drug, on the oral or written instruction of a doctor or nurse practitioner, to a person being discharged from the hospital or to an outpatient of the hospital.
- (4) To the extent necessary to practise nursing, a nurse practitioner is authorised to—
  - (a) obtain a controlled drug; or
  - (b) possess a controlled drug at a place where the nurse practitioner practises nursing; or
  - (c) under a drug therapy protocol—
    - (i) administer or supply a controlled drug; or
    - (ii) give a registered nurse, midwife or indigenous health worker an oral or written instruction to administer a controlled drug; or
    - (iii) give a pharmacist an oral or written instruction to supply a controlled drug; or
    - (iv) prescribe a controlled drug.

**68 Certain registered nurses at rural hospitals**

- (1) To the extent necessary to practise nursing at a rural hospital, the following persons are authorised to supply a controlled drug, on the oral or written instruction of a doctor or nurse practitioner, to a person being discharged from the hospital or an outpatient of the hospital—
  - (a) the hospital's director of nursing;
  - (b) a registered nurse nominated by the hospital's director of nursing.
- (2) However, subsection (1) applies only if—
  - (a) the hospital does not employ a pharmacist; or
  - (b) if the hospital employs a pharmacist—the pharmacist is absent from the hospital at the time the controlled drug is supplied.

**69 Ship's master**

- (1) The master of a ship in the State is authorised to obtain a controlled drug for use on the ship, or possess a controlled drug on the ship, to the extent necessary to comply with the *Navigation Act 1912* (Cwlth) or the *Transport Operations (Marine Safety) Act 1994*.
- (2) Otherwise, the master of a ship in the State is authorised to obtain, possess or administer a controlled drug, only if—
  - (a) for obtaining a controlled drug—
    - (i) the purchase order for the drug is signed by a doctor; and
    - (ii) the drug is obtained for use on the ship; or
  - (b) for possessing a controlled drug—the drug is possessed for use on the ship; or
  - (c) for administering a controlled drug—the drug is administered on the ship—
    - (i) for the treatment of a person in an emergency; and
    - (ii) on a doctor's oral or written instruction.

**70 State analysts**

To the extent necessary to perform a State analyst's official duties, a State analyst is authorised to—

- (a) obtain or manufacture a controlled drug; or
- (b) possess a controlled drug at the place where the analyst is performing official duties; or
- (c) use a controlled drug for official purposes or destroy it.

**70A Trainees in certain occupations**

- (1) This section applies to a person (a *trainee*) who is undergoing a course of training, the successful completion of which will qualify the trainee to carry out a relevant occupation.
- (2) To the extent necessary to undergo the course of training, the trainee is authorised to—
  - (a) possess a controlled drug under the direction of an authorised person carrying out the relevant occupation; or
  - (b) administer a controlled drug under the personal supervision of an authorised person carrying out the relevant occupation.
- (3) However, a trainee may only possess or administer a controlled drug under subsection (2), if—
  - (a) the authorised person is authorised under this regulation to possess or administer the drug; and
  - (b) the trainee possesses or administers the drug under the conditions (if any) that would apply to the possession or administration of the drug by the authorised person.
- (4) In this section—

*relevant occupation* means an occupation as a doctor, indigenous health worker, midwife, registered nurse, or veterinary surgeon.

**71 Veterinary surgeons**

To the extent necessary to practise veterinary medicine, a veterinary surgeon is authorised to—

- (a) obtain a controlled drug; or
- (b) possess a controlled drug at a place occupied by the veterinary surgeon; or
- (c) if the veterinary surgeon is reasonably satisfied that an animal the veterinary surgeon is treating needs a controlled drug for a therapeutic use as part of the animal's medical treatment—
  - (i) administer the drug to the animal; or
  - (ii) dispense or prescribe the drug for the animal; or
  - (iii) obtain the drug for the animal; or
  - (iv) sell a controlled drug to a person for the person's animal.

**72 Watch-house keepers etc.**

To the extent necessary for ensuring a person detained at a watch-house or police establishment receives a controlled drug lawfully prescribed or supplied for the person as a dispensed medicine, the watch-house keeper, or the person performing the duties of watch-house keeper at a police establishment, is authorised to—

- (a) possess the controlled drug at the watch-house or police establishment; or
- (b) supply the controlled drug to the person for whom it was prescribed or supplied under the directions stated on the label attached to the medicine's container.



## Division 3                      General

### 74      **When endorsement is not needed**

- (1) A person does not need an endorsement under this regulation merely to deliver a controlled drug to a person for whom it has been dispensed, or the person's agent.
- (2) Also, a person (a *carer*) does not need an endorsement under this regulation to help another person (an *assisted person*) to take a controlled drug that has been supplied for the assisted person as a dispensed medicine, if—
  - (a) the assisted person asks for the carer's help to take the dispensed medicine; and
  - (b) the carer helps the assisted person to take the dispensed medicine under the directions on the label attached to the dispensed medicine's container.

## Part 3                              Regulated controlled drugs

### 77      **Approved drug—dronabinol (*delta-9-tetrahydrocannabinol*)**

A person must not dispense, prescribe, sell or use dronabinol unless the person—

- (a) is a doctor, or a member of a class of doctors, approved for the purpose and dispenses, prescribes, sells or uses the drug under the approval; or
- (b) is a pharmacist and dispenses dronabinol on the prescription of a doctor who has an approval to prescribe it.

Maximum penalty—80 penalty units.

**78 Specified condition drugs—amphetamine, dexamphetamine, methylamphetamine, methylphenidate, phenmetrazine**

- (1) A person must not dispense, obtain, prescribe, sell or use a specified condition drug unless the person—
- (a) dispenses, obtains, prescribes, sells or uses the specified condition drug under an approval; or
  - (b) is a doctor and dispenses, obtains or prescribes the specified condition drug for the treatment of—
    - (i) narcolepsy; or
    - (ii) brain damage in a child at least 4 years; or
    - (iii) attention deficit disorder in a child at least 4 years; or
  - (ba) is a paediatrician or child psychiatrist and prescribes the specified condition drug for the treatment of brain damage or attention deficit disorder in a child; or
  - (c) is a dispenser and dispenses the specified condition drug on a lawful prescription; or
  - (d) is a controlled drug manufacturer or wholesaler and sells the specified condition drug; or
  - (e) is a person who is lawfully supplied with the specified condition drug for medical treatment and uses it in the way directed.

Maximum penalty—80 penalty units.

- (2) The chief executive may give an approval mentioned in subsection (1)(a) only to—
- (a) a doctor; or
  - (b) a person who satisfies the chief executive that the specified condition drug is to be used for a genuine analytical or research purpose.
- (3) In this section—

*specified condition drug* means the following controlled drugs—

- (a) amphetamine;
- (b) dexamphetamine;
- (c) methylamphetamine;
- (d) methylphenidate;
- (e) phenmetrazine.

## **Part 4                      Prescribing and dispensing    controlled drugs**

### **Division 1                Prescribing controlled drugs**

#### **79            Prescribing controlled drugs**

- (1) A prescriber must not prescribe a controlled drug unless the prescription is made in a way that complies with this section.  
Maximum penalty—60 penalty units.
- (2) Subject to subsection (3), a prescription for a controlled drug must not prescribe more than 1 item.
- (3) A prescription for a controlled drug may prescribe more than 1 item if each item is for the same controlled drug, including different forms of the drug.
- (4) The following particulars must appear on the front of the prescription—
  - (a) the prescriber's name, professional qualifications and address;
  - (b) the date it is written;
  - (c) if the controlled drug is for human use—the name, address and date of birth of the person for whose use it is prescribed;
  - (d) if the controlled drug is for an animal—the name and address of the animal's owner;

- (e) the description of the controlled drug or the name of the preparation and the quantity or volume (in words and figures) of the drug or preparation;
  - (f) adequate directions about the use of the controlled drug;
  - (g) the dose to be taken or administered and if more than 1 item is prescribed the dose to be taken or administered for each item;
  - (h) if a doctor prescribes a dose that is more than the official dose<sup>19</sup>—a direction to dispense the higher dose that is underlined and initialled by the doctor;
  - (i) if a doctor or veterinary surgeon intends that the controlled drug be dispensed more than once—a direction stating—
    - (i) the number of times (after the first) the drug may be dispensed; and
    - (ii) the time that must elapse between each dispensing of the drug;
  - (j) if the controlled drug is dronabinol—‘Approved’;
  - (k) if the controlled drug is amphetamine, dexamphetamine, methylamphetamine, methylphenidate or phenmetrazine—‘Specified condition’;
  - (l) if the prescriber is a veterinary surgeon—‘For animal treatment only’;
  - (m) if the prescriber is a dentist—‘For dental treatment only’.
- (5) All particulars on the prescription (other than the prescriber’s name, professional qualifications and address) must be handwritten.

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19 Under section 5 of the Act, *official dose* is defined—

*official dose*, when used with reference to any drug or other article, means the maximum dose (if any) stated in the British pharmacopoeia.

- (6) However, a prescription may be generated—
  - (a) by a computer if the way the prescription is generated complies with appendix 4 of this regulation; or
  - (b) in another certified way.
- (7) The prescriber must sign the prescription.
- (8) If the prescriber amends the prescription, the prescriber must initial and date the amendment.
- (9) If a prescription prescribes more than 1 item—
  - (a) the items must be numbered consecutively; and
  - (b) a line must be ruled under the last item.

## **80 Restrictions on writing prescriptions**

- (1) A prescriber must not write on a prescription in code unless the prescriber has a certification for the code.  
Maximum penalty—40 penalty units.
- (2) A veterinary surgeon must not write a repeat prescription for a controlled drug authorising a dispenser to dispense the drug under the prescription more than twice.  
Maximum penalty—60 penalty units.
- (3) A dentist must not—
  - (a) write a repeat prescription for a controlled drug; or
  - (b) write a prescription for more than the official dose.Maximum penalty—60 penalty units.

## **81 Oral prescription**

- (1) If a doctor reasonably believes an emergency exists, the doctor may give a pharmacist an oral prescription for a controlled drug the doctor is endorsed to prescribe.
- (2) The doctor must immediately write a prescription for the drug and send the prescription to the pharmacist within 24 hours of giving the oral prescription.  
Maximum penalty—40 penalty units.

- (3) If the pharmacist does not receive the relevant written prescription within 72 hours after being given the oral prescription, the pharmacist must immediately give a written report about the circumstances to the chief executive.

Maximum penalty—20 penalty units.

## **Division 2                    Dispensing controlled drugs**

### **82            Conditions of dispensing**

- (1) A dispenser must not dispense a controlled drug unless—
- (a) the drug is dispensed on a prescription that complies with division 1; and
  - (b) the drug dispensed—
    - (i) conforms with the prescription; or
    - (ii) is dispensed under section 83.

Maximum penalty—60 penalty units.

- (2) Also, a dispenser must not dispense a controlled drug on a prescription if—
- (a) it is written by someone the dispenser reasonably believes is not a nurse practitioner or registered in the State as a dentist, doctor or veterinary surgeon; or
  - (b) the dispenser knows, or ought reasonably to know, the prescription was obtained because of false information given to the prescriber; or
  - (c) it is wholly or partly defaced, illegible or obliterated; or
  - (d) it appears to the dispenser to have been changed by someone other than the prescriber; or
  - (e) it has 'Cancelled' stamped or written on it; or
  - (f) it appears to the dispenser to be false in any particular; or
  - (g) it appears to have been prescribed more than 1 year before the date it is presented to the dispenser; or

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- (h) if the prescription is for the controlled drug dronabinol—it does not have ‘Approved’ written on it; or
- (i) if the prescription is for the controlled drug amphetamine, dexamphetamine, methylamphetamine, methylphenidate or phenmetrazine—it does not have ‘Specified condition’ written on it.

Maximum penalty—60 penalty units.

- (2A) Also, a dispenser must not dispense a controlled drug on a computer-generated prescription that has been changed unless the dispenser first contacts the prescriber to check the change is correct.

Maximum penalty—60 penalty units.

- (3) Further, a dispenser must not dispense a controlled drug—
  - (a) more than the number of times stated by a valid repeat direction; or
  - (b) before the time stated on the prescription that must elapse between each dispensing of the drug.

Maximum penalty—60 penalty units.

- (4) If a dispenser reasonably believes a prescription is false in any particular, the dispenser must—
  - (a) keep the prescription for the time reasonably necessary to enable the dispenser to find out if it is genuine; and
  - (b) make reasonable inquiries to establish the name and address of the person who gave it to the dispenser.
- (5) Subsection (6) applies to a dispenser in relation to a prescription if—
  - (a) the dispenser is reasonably satisfied the prescription does not comply with division 1; or
  - (b) under subsection (2), the dispenser does not dispense a controlled drug on the prescription; or
  - (c) after checking under subsection (2A), the dispenser is reasonably satisfied a change to the prescription is incorrect.

- (6) The dispenser must—

- (a) on the front of the prescription, sign the prescription and write 'Cancelled', the date and the name and address of the dispensary; and
- (b) send it to the chief executive within 14 days after cancelling it.

Maximum penalty—60 penalty units.

### **83 Dispensing generic drugs**

- (1) This section applies if a controlled drug is specified in a prescription by a brand name (the *specified drug*) and the drug is also available under another brand name (the *generic drug*).
- (2) A dispenser may dispense the generic drug in place of the specified drug if—
  - (a) the drug is dispensed at a public sector hospital; or
  - (b) for a drug dispensed at a place other than a public sector hospital—
    - (i) the specified drug and the generic drug are both drugs to which a pharmaceutical benefit applies under the National Health Act; and
    - (ii) the prescriber did not indicate on the prescription that only the specified drug was to be dispensed; and
    - (iii) the schedule of pharmaceutical benefits, issued by the Commonwealth department within which the National Health Act is administered, states the specified drug and the generic drug are equivalent; and
    - (iv) a determination is in force for the generic drug under section 85(6)<sup>20</sup> of the National Health Act; and
    - (v) it is lawful to dispense the generic drug on prescription; and

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20 Section 85 (Pharmaceutical benefits) of the National Health Act



- (vi) the person to whom it is dispensed asks for, or agrees to, the dispensing of the generic drug in place of the specified drug.
- (3) If a generic drug is dispensed, the dispenser must write the brand name of the generic drug on the front of the prescription and sign the prescription.

Maximum penalty—20 penalty units.

#### **84 Dealing with prescriptions and certain written instructions**

- (1) A dispenser must, when dispensing a controlled drug on prescription or administering or supplying a controlled drug on a written instruction—
- (a) write the date on the front of the prescription or written instruction; and
  - (ab) for a repeat prescription—write the repeat number on the front of the prescription; and
  - (b) write on the prescription or written instruction—
    - (i) the name and address of the dispensary; and
    - (ii) ‘Cancelled’; and
  - (c) sign the prescription or written instruction.

Maximum penalty—40 penalty units.

- (2) The dispenser must handwrite the date and repeat number.

Maximum penalty—40 penalty units.

- (3) The dispenser must send the chief executive the prescription or written instruction—
- (a) in paper form; or
  - (b) in an approved electronic form by electronic means.
- (4) If the dispenser sends the prescription or written instruction under subsection (3)(a), the dispenser must—
- (a) for a repeat prescription—send the prescription within 14 days after dispensing the controlled drug on the final repeat of the prescription; or

- (b) for another prescription—send the prescription within 14 days after dispensing the controlled drug; or
- (c) for a written instruction—send the instruction within 14 days after carrying out the final administration or supply of the controlled drug on the instruction.

Maximum penalty—40 penalty units.

- (5) If the dispenser sends the prescription or written instruction under subsection (3)(b), the dispenser must—

- (a) send the prescription or written instruction—
  - (i) for a repeat prescription—within 14 days after the end of each month in which the controlled drug is dispensed on a repeat, including the final repeat, of the prescription; or
  - (ii) for another prescription—within 14 days after the end of the month in which the controlled drug is dispensed; or
  - (iii) for a written instruction—within 14 days after the end of the month in which the final administration or supply of the controlled drug on the instruction is carried out; and
- (b) keep the prescription or written instruction in paper form.

Maximum penalty—40 penalty units.

- (6) Also, even if a dispenser has sent the chief executive a prescription or written instruction in an approved electronic form, the chief executive may give a written notice to the dispenser requiring the dispenser to send the chief executive the prescription or written instruction in paper form within the period, of at least 14 days, stated in the notice.
- (7) The dispenser must comply with a notice given to the dispenser under subsection (6).

Maximum penalty—40 penalty units.

- (8) If the dispenser dispenses the controlled drug on a repeat prescription, but not as the last repeat, the dispenser must give the chief executive a written notice of the relevant information

for the prescription within 14 days after dispensing the controlled drug.

Maximum penalty—40 penalty units.

- (9) Subsection (8) does not apply if the dispenser sends the repeat prescription to the chief executive in an approved electronic form under subsection (5)(a)(i).
- (10) If a dispenser is asked to dispense more of a controlled drug for a person than appears to be reasonably necessary, or more frequently than appears to be reasonably necessary, the dispenser must immediately give the chief executive a written notice about—
  - (a) the circumstances in which the dispenser has been asked to dispense the controlled drug; and
  - (b) the quantity of the drug dispensed or when it has been dispensed for the person.
- (11) Subsection (1)(b)(ii) applies to a repeat prescription only if the last repeat of the prescription is dispensed.
- (12) Subsection (1)(b)(ii) does not apply to a duplicate of a prescription issued under the National Health Act or Veterans Entitlements Act.
- (13) In this section—

***relevant information***, for a prescription, means—

  - (a) the information appearing on the front of the prescription; and
  - (b) the information the dispenser is required to write on the prescription when dispensing the controlled drug.

## **85 Labelling dispensed and supplied medicines**

- (1) A person who sells a controlled drug as a dispensed medicine or supplies a controlled drug on a written instruction (a ***supplied medicine***), must securely attach to the dispensed or supplied medicine's container a label as required by this section with the following warnings printed on it—

- (a) 'Keep out of reach of children';
- (b) if the prescriber is a veterinary surgeon—'For animal treatment only'.

Maximum penalty—40 penalty units.

- (2) The warnings must be printed in red on a background of contrasting colour and in bold-faced sans serif capital letters with a face depth of at least 1.5mm.
- (3) The label must also have written on it—
  - (a) for a dispensed or supplied medicine for human use—the name of the person for whose use it is intended; or
  - (b) if the dispensed medicine is for an animal—the name of the animal's owner; and
  - (c) the name and address of the person selling the dispensed or supplied medicine; and
  - (d) a description of the name of the dispensed medicine under subsection (4) or (5); and
  - (e) a description of the strength of, and the quantity or volume of, the dispensed or supplied medicine; and
  - (f) directions about the use of the dispensed or supplied medicine; and
  - (g) the date the dispensed or supplied medicine is dispensed; and
  - (h) the dispenser's initials; and
  - (i) if the medicine is for internal human therapeutic use and is a substance in appendix K<sup>21</sup> of the standard—the warning statements given for the medicine in appendix F, part 1 of the standard; and
  - (j) if the medicine's expiry date is not visible—the medicine's expiry date.

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21 Appendix K (Drugs required to be labelled with a sedation warning) of the standard

- (4) The dispensed medicine must be described by—
- (a) its approved name;<sup>22</sup> or
  - (b) the name the prescriber wrote on the prescription or, if a different brand of the medicine is dispensed, the name of the brand dispensed; or
  - (c) its trade name; or
  - (d) the approved name of each controlled drug in the medicine; or
  - (e) the name of each controlled drug in the medicine as written in the prescription.
- (5) Despite subsection (4), a doctor may state in a prescription that the contents of a dispensed medicine must be described in another way that is not a false description.

**86 Record of transactions involving controlled drugs to be kept by pharmacist**

- (1) The pharmacist in charge of a dispensary must keep a record of transactions about controlled drugs (a *controlled drugs record*) as required by this section—
- (a) as written entries in a book; or
  - (b) in an electronic form; or
  - (c) in another certified way.
- Maximum penalty—40 penalty units.
- (2) If the controlled drugs record is in a book, the book must be bound.
- (3) Each page or part of the record must—
- (a) be sequentially numbered; and
  - (b) relate to 1 class of controlled drug; and
  - (c) have a heading describing the class of controlled drug and the measurement unit in which quantities of the drug involved in a transaction are recorded.

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22 For the definition *approved name* see part 1 of the standard.

- (4) Despite subsection (3)(b) and (c), entries made in the controlled drugs record about controlled drugs returned to the pharmacist for destruction may be made on a single page in, or in a single part of, the record.
- (5) If the pharmacist starts a new controlled drugs record, the pharmacist must check the dispensary stock of controlled drugs and record in the record—
  - (a) the stock held when the record is started; and
  - (b) a reference to the most recent entry about each class of controlled drug in the previous record.

Maximum penalty—40 penalty units.

- (6) If a person who administers, dispenses or supplies a controlled drug at a dispensary makes an entry on a page or part of the controlled drugs record on which there is no other entry, the person must record as the first entry on the page or part—
  - (a) the quantity or volume of the class of controlled drug, described in the page or part heading, that is in stock when the page or part is started; and
  - (b) a reference to the most recent entry about the class of controlled drug.

Maximum penalty—40 penalty units.

- (7) If a controlled drugs record is in an electronic form, the pharmacist must ensure the entries in the record are stored in a computer system that has enough capacity and backup capability for the purpose.

Maximum penalty—40 penalty units.

## **87 Entries to be made in controlled drugs record**

- (1) A pharmacist, or a person who is authorised to dispense or supply a controlled drug under the personal supervision of a pharmacist, must personally enter in the controlled drugs record, the details of each transaction for a controlled drug that is performed by the pharmacist or person.

Maximum penalty—40 penalty units.

- (2) The pharmacist or person must make the entry—
- (a) for a transaction for the administration or supply of a controlled drug on a written instruction under a drug therapy protocol—not later than 7 days after the end of the month in which the final administration or supply of the drug on the instruction is carried out; or
  - (b) otherwise—
    - (i) on the day of the transaction; and
    - (ii) if there is more than 1 transaction on a day—in the order in which the transactions happen.

Maximum penalty—40 penalty units.

- (3) The pharmacist or person must include the following details in the entry—
- (a) for a controlled drug that is obtained—the date it is obtained, the name and address of the person who sold it, and the seller's invoice number;
  - (b) the date, name and address of the person to, or for whom, the controlled drug is dispensed or sold;
  - (c) if no one else was involved in the transaction—a description of the nature of the transaction;
  - (d) the quantity or volume of the controlled drug dispensed, obtained, sold or used by the person in a compounded preparation, or otherwise involved in the transaction;
  - (e) if the controlled drug is sold on a purchase order or dispensed on a prescription—the distinguishing number given by the person to the order or prescription;
  - (f) the name of the person who wrote the order or prescription;
  - (g) the balance of the drug in stock at the dispensary after the transaction.

Maximum penalty—40 penalty units.

- (4) The person who makes the entry must—
- (a) for a controlled drugs record kept in a book—initial each line of the entry; or

- (b) for a controlled drugs record kept in another form—include the person's initials on each line of the entry.

Maximum penalty—40 penalty units.

- (5) A person must not cancel, change, delete or obliterate an entry in a controlled drugs record.

Maximum penalty—40 penalty units.

- (6) However, the person who made the entry in a controlled drugs record may correct the entry as follows—

- (a) for a controlled drugs record kept in a book—by a signed and dated marginal note or footnote that gives the date of the correction and the correct details;

- (b) for a controlled drugs record kept in another form—by a note, that does not prevent the original or existing entry being read, of—

- (i) the person's name; and
- (ii) the correct details; and
- (iii) the date of the correction.

## **88 Stock to be checked**

- (1) If a pharmacist takes over the management of a dispensary for 7 days or more, whether as the owner or an employee, the pharmacist must immediately—

- (a) find out the quantity or volume of each class of controlled drug in stock at the dispensary; and

- (b) enter the quantity or volume of each class of controlled drug in stock in the appropriate page or part of the controlled drugs record and—

- (i) for a controlled drugs record kept in a book—sign and date each entry; and

- (ii) for a controlled drugs record kept in another form—show the pharmacist's name and the date of the entry.

Maximum penalty—40 penalty units.





- (a) the person appearing opposite the entity or place in column 2; or
- (b) any 1 of the persons appearing opposite the entity or place in column 2.

## 90 Sale of controlled drugs to authorised persons

- (1) A person must not sell a controlled drug to an authorised person (other than a ship's master) unless the drug is sold—
  - (a) on a purchase order complying with this part; and
  - (b) if the person placing the order has an approval to obtain the drug—on production of the approval.

Maximum penalty—60 penalty units.

- (2) A person must not sell a controlled drug to a ship's master unless—
  - (a) the person has an approval to sell the controlled drug to the ship's master; and
  - (b) the person receives from the ship's master a purchase order for the controlled drug, that is signed by—
    - (i) if the ship's master is authorised to obtain the drug under section 69(2)<sup>23</sup>—a doctor; or
    - (ii) otherwise—the ship's master.

Maximum penalty—60 penalty units.

## 91 Delivery of controlled drugs

- (1) A person who sells a controlled drug (the *seller*), or an adult employee of the seller, may personally deliver a controlled drug to an authorised person (the *buyer*), or an adult employee of the buyer, at the seller's or buyer's premises.
- (2) The seller must obtain the buyer's purchase order before or on delivery of the controlled drug.

Maximum penalty—40 penalty units.

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23 Section 69 (Ship's master)

- (3) When the seller delivers a controlled drug to the buyer at the buyer's premises, the seller must obtain from the person to whom the drug is delivered a dated and signed acknowledgment of receipt of the drug, written on or attached to the order.

Maximum penalty—40 penalty units.

- (4) The seller must not deliver a controlled drug to the buyer unless—
- (a) the drug is in a securely closed package addressed to the buyer and the package does not contain goods other than controlled drugs; and
  - (b) the package contains a packing slip or similar document with 'Controlled drugs—check carefully' printed on it in bold-faced sans serif capital letters with a face depth of at least 12.5mm; and
  - (c) the packing slip is placed so it is visible as soon as the package is opened.

Maximum penalty—40 penalty units.

## **92 Sending controlled drugs by carrier etc.**

- (1) A person who sells a controlled drug (the *seller*) must not send the drug to an authorised person (the *buyer*) unless—
- (a) the drug is in a securely closed package that complies with this section and is addressed to the buyer; and
  - (b) the seller sends the package to the buyer by security post or a carrier or transport service under this section.

Maximum penalty—40 penalty units.

- (2) The seller may send the package by security post or a carrier or transport service only if Australia Post or the carrier or transport service gives the seller a signed or officially receipted document acknowledging receipt of the package for delivery to the buyer.
- (2A) Australia Post or the carrier or transport service may deliver the package to the buyer only if Australia Post or the carrier or transport service receives a signed or officially receipted

document from the buyer acknowledging the buyer's receipt of the package.

- (3) If the seller does not receive a purchase order for a controlled drug before the drug is delivered, the buyer must send the order for the drug to the seller within 24 hours after delivery.
- (4) If the seller does not receive the purchase order for the controlled drug within 7 days after delivery, the seller must immediately give the chief executive a written report of the circumstances of the transaction.
- (6) The package—
  - (a) must not contain goods other than controlled drugs; and
  - (b) must contain a packing slip or similar document with 'Controlled drugs—check carefully' printed on it in bold-faced sans serif capital letters with a face depth of at least 12.5mm.
- (7) The packing slip must be placed so it is visible as soon as the package is opened.

### **93 Dealing with purchase orders**

- (1) If a pharmacist, or person who is authorised to dispense a controlled drug under a pharmacist's personal supervision, sells a controlled drug on a purchase order, the pharmacist or person must—
  - (a) write on the front of the order—
    - (i) the date the drug is sold; and
    - (ii) the name and address of the dispensary at or from which the drug is sold; and
  - (b) sign the order; and
  - (c) send the order to the chief executive—
    - (i) in paper form—within 14 days after selling the drug; or
    - (ii) in an approved electronic form by electronic means—within 14 days after the end of the month in which the drug is sold; and



*controlled drug* does not include a controlled drug that is also a dangerous drug under the *Drugs Misuse Regulation 1987*, schedule 2A.<sup>24</sup>

## 95 Possession by user

- (1) A person who lawfully obtains a controlled drug may possess the drug for the time reasonably necessary for the person to use the drug for the purpose and in the way the authorised person directs.
- (2) The person must—
  - (a) keep the controlled drug in the person's possession until it is used; and
  - (b) use the controlled drug, or allow it to be used, only for the purpose for which it was obtained.

Maximum penalty—60 penalty units.

## 96 Issue of controlled drugs within institutions

The person in charge of the central storage point for controlled drugs at an institution must ensure a controlled drug is not issued to a ward, operating theatre or department of the institution unless the person is reasonably satisfied—

- (a) the issue is necessary; and
- (b) previous issues of controlled drugs to the ward, operating theatre or department have been accounted for.

Maximum penalty—60 penalty units.

## 97 Oral instruction must be put in writing

- (1) If, under this chapter, a dentist, doctor or nurse practitioner gives an authorised person an oral instruction to administer or supply a controlled drug, the dentist, doctor or nurse

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<sup>24</sup> The *Drugs Misuse Act 1986*, section 9 provides that a person who unlawfully has possession of a dangerous drug is guilty of a crime.

practitioner must put the instruction into writing within 24 hours after giving the instruction.

Maximum penalty—40 penalty units.

- (2) If a registered nurse or midwife acts on the oral instruction of a dentist, doctor or nurse practitioner and the dentist, doctor or nurse practitioner does not put the instruction in writing within 24 hours after giving the instruction, the nurse or midwife must report the instruction to—
- (a) for an instruction given at a hospital—the hospital’s director of nursing; or
  - (b) for an instruction given at a detention centre, nursing home or prison—the director of nursing or person in charge of the detention centre, nursing home or prison; or
  - (c) in any other case—the person in charge of the place.

Maximum penalty—40 penalty units.

- (3) If a dentist, doctor or nurse practitioner contravenes subsection (1)—
- (a) for an instruction given at a hospital—the hospital’s director of nursing must, within 48 hours of becoming aware of the contravention, report the circumstances to the hospital’s medical superintendent or the chief executive; or
  - (b) for an instruction given at a detention centre, nursing home or prison—the director of nursing or person in charge of the detention centre, nursing home or prison must, within 48 hours of becoming aware of the contravention, report the circumstances to the chief executive; or
  - (c) for another case—the person given the instruction must, within 48 hours of becoming aware of the contravention, report the circumstances to the chief executive.

Maximum penalty—40 penalty units.

## Part 7                      Records of controlled drugs

### Division 1                Definitions

#### 98        Definitions for pt 7

In this part—

*central storer* means the person in charge of controlled drugs at an institution if controlled drugs are kept at a central storage point until the person issues the drugs to a unit of the institution where the drugs are kept until they are administered to patients of the institution.

*main issue book* see section 99(1).

*single storage book* see section 106(1).

*single storer* means the person in charge of controlled drugs at an institution if controlled drugs at the institution are kept at a single storage point until the drugs are administered to patients of the institution.

*transfer voucher* see section 104(2).

*unit* means a ward, operating theatre or department of an institution.

*unit storer* means the person in charge of controlled drugs at a unit of an institution.

*ward drugs book* see section 101(1).

### Division 2                Records at institutions with central storage point for controlled drugs

#### 99        Central storer to keep main issue book for controlled drugs

- (1) The central storer at an institution must keep a record, in a book (the *main issue book*) or in another certified way, for recording transactions about obtaining controlled drugs into, and issuing controlled drugs from, the central storage point.



Maximum penalty—40 penalty units.

- (2) The central storer must ensure—
  - (a) the main issue book is bound; and
  - (b) each page of the main issue book—
    - (i) is sequentially numbered; and
    - (ii) relates only to 1 class of controlled drug; and
    - (iii) has a heading describing the class of controlled drug and the measurement unit in which quantities of the drug involved in a transaction are recorded.

Maximum penalty—40 penalty units.

- (3) Despite subsection (2)(b)(ii), entries made in the main issue book about controlled drugs returned to the central storer for destruction may be made on a single page in the book.

## **100 Details to be recorded when controlled drugs obtained by central storer**

- (1) For each controlled drug that a central storer obtains, the storer must record on the relevant page of the main issue book—
  - (a) the description and quantity or volume of the controlled drug; and
  - (b) the date the controlled drug is obtained; and
  - (c) the name and address of the person from whom the controlled drug is obtained; and
  - (d) if the controlled drug was obtained for a particular person—the person's name and address; and
  - (e) the quantity or volume of the controlled drug held at the central storage point; and
  - (f) the quantity or volume of the controlled drug supplied to a unit storer.

Maximum penalty—40 penalty units.

- (2) The central storer must sign the entry.

Maximum penalty—40 penalty units.

**101 Unit storer to keep ward drugs book for controlled drugs**

- (1) A unit storer must keep a record of transactions, in a book (the *ward drugs book*) or in another certified way, about—
  - (a) obtaining controlled drugs into the unit from the central storage point; and
  - (b) administering controlled drugs to persons in the unit.

Maximum penalty—40 penalty units.

- (2) The unit storer must ensure—
  - (a) the ward drugs book is bound; and
  - (b) each page of the ward drugs book—
    - (i) is sequentially numbered; and
    - (ii) relates only to 1 class of controlled drug; and
    - (iii) has a heading describing the class of controlled drug and the measurement unit in which quantities of the drug involved in a transaction are recorded.

Maximum penalty—40 penalty units.

**102 Details to be recorded when controlled drugs obtained at unit**

- (1) For each controlled drug that a unit storer obtains from the central storer, the unit storer must record on the relevant page of the ward drugs book—
  - (a) the description and quantity or volume of the controlled drug; and
  - (b) the date the controlled drug is obtained.

Maximum penalty—40 penalty units.

- (2) The central storer must sign the entry if the central storer is reasonably satisfied the entry is correct.

Maximum penalty—40 penalty units.

**103 Details to be recorded when controlled drugs administered in unit**

- (1) When a controlled drug is administered in a unit, the unit storer must record on the relevant page of the ward drugs book—
  - (a) the description and quantity or volume of the controlled drug; and
  - (b) the date and time the controlled drug is administered; and
  - (c) the name of the person to whom the controlled drug is administered; and
  - (d) the quantity or volume of the controlled drug remaining.Maximum penalty—40 penalty units.
- (2) The person who obtains the controlled drug to administer it to someone else must sign the entry if the person is reasonably satisfied the entry is correct.  
Maximum penalty—40 penalty units.

**104 Transfer vouchers may be used for controlled drugs in certain cases**

- (1) This section applies if, because of the size of an institution or for another reason, it is not practicable for—
  - (a) a unit storer to sign the main issue book; or
  - (b) the central storer to sign the ward drugs book.
- (2) The central storer may record issuing the controlled drug, and the unit storer may record obtaining the drug, on a document stating the things that must be recorded in a main issue book and ward drugs book (a *transfer voucher*).
- (3) The person issuing, and the person receiving, the controlled drug must sign the transfer voucher.  
Maximum penalty—40 penalty units.
- (4) The central storer must keep the transfer voucher at the central storage point for 2 years after it is made.  
Maximum penalty—40 penalty units.

**105 Main issue book and ward drugs book as 1 book**

Sections 101 to 103 do not apply to unit storers at an institution if—

- (a) the institution's central storer keeps 1 book that contains the information that must be recorded in the main issue book and each ward drugs book of the institution; and
- (b) entries in the book are signed by the person who must sign the entries in the main issue book or ward drugs book.

**Division 3 Records at institutions with only 1 storage point****106 Single storer to keep single storage book for controlled drugs**

- (1) A single storer of controlled drugs must keep a record of transactions, in a book (the *single storage book*) or another certified way, about obtaining controlled drugs into, and administering controlled drugs from, the storage point.

Maximum penalty—40 penalty units.

- (2) The single storer must ensure—
  - (a) the single storage book is bound; and
  - (b) each page of the single storage book relates only to 1 class of controlled drug.
- (3) Despite subsection (2)(b), entries made in the single storage book about controlled drugs returned to the single storer for destruction may be made on a single page in the book.

**107 Details to be recorded when controlled drugs obtained**

- (1) For each controlled drug that a single storer obtains, the storer must record on the relevant page of the single storage book—
  - (a) the description and quantity or volume of the controlled drug; and
  - (b) the date the controlled drug is obtained; and

- (c) the name and address of the person from whom the controlled drug is obtained; and
- (d) if the controlled drug was obtained for a particular person—the person's name and address.

Maximum penalty—40 penalty units.

- (2) The single storer must sign the entry.

Maximum penalty—40 penalty units.

### **108 Details to be recorded when controlled drugs administered**

- (1) When a controlled drug is administered from the single storage point of an institution, the single storer must record on the relevant page of the single storage book—

- (a) the description and quantity or volume of the controlled drug; and
- (b) the name of the person to whom the controlled drug is administered; and
- (c) the date and time the controlled drug is administered; and
- (d) the quantity or volume of the controlled drug remaining.

Maximum penalty—40 penalty units.

- (2) The person who obtains the controlled drug to administer it to someone else must sign the entry if the person is reasonably satisfied the entry is correct.

Maximum penalty—40 penalty units.

## **Division 4 Other provisions about records at institutions**

### **109 Records of controlled drugs supplied to be kept**

- (1) The director of nursing of a hospital, or the registered nurse in charge of the hospital, must keep a record, as required by this section, of all controlled drugs supplied by a nurse at the hospital under section 67(3) or 68.

- (2) The records must be made by making written entries in a bound book with consecutively numbered pages, or in another certified way.
- (3) The entries must be made in the order in which the transactions in the controlled drugs happen.
- (4) An entry in the record book about a controlled drug must include—
  - (a) the name and address of the person for whose use the controlled drug is supplied; and
  - (b) the time and date the controlled drug is supplied; and
  - (c) the description and quantity or volume of the controlled drug supplied; and
  - (d) the directions for use of the controlled drug; and
  - (e) the name and address of the doctor who gave the oral or written instruction to supply the controlled drug; and
  - (f) the initials of the nurse supplying the controlled drug.
- (5) A person must not change, obliterate or cancel an entry in a record book kept under this section.

Maximum penalty—40 penalty units.
- (6) However, the person who made the entry may correct the entry by a signed and dated marginal note or footnote giving the date of the correction and the correct particulars.

### **110 Responsibility for checking accuracy of records at institutions**

- (1) The responsible person for an institution must ensure—
  - (a) records are kept of all transactions in controlled drugs at the institution; and
  - (b) at least once a week—
    - (i) the stock of controlled drugs is checked to ensure the records about the controlled drugs on hand are accurate; and
    - (ii) all records of transactions for controlled drugs are inspected.

Maximum penalty—40 penalty units.

- (2) The person who checks the stock of controlled drugs and inspects the records must—
- (a) write the date and results of the inspection on the record; and
  - (b) immediately report any of the following to the institution's medical superintendent or, if there is no medical superintendent, the chief executive—
    - (i) a contravention of this regulation;
    - (ii) an apparently excessive use of a controlled drug;
    - (iii) any inconsistency between the controlled drug in stock and the drugs that the records indicate should be in stock.

Maximum penalty—40 penalty units.

- (3) In this section—
- responsible person***, for an institution, means—
- (a) the pharmacist in charge of the dispensary at the institution; or
  - (b) if there is no pharmacist in charge—the director of nursing for the institution; or
  - (c) if paragraphs (a) and (b) do not apply—
    - (i) for a nursing home—the registered nurse in charge at the nursing home; or
    - (ii) in any other case—the person in charge of the institution.

## **Division 5                      Responsibility for keeping and checking records at places other than institutions**

### **111      Records—dentists, doctors, veterinary surgeons**

- (1) A dentist, doctor or veterinary surgeon (a *practitioner*) who obtains a controlled drug must keep a record book.

Maximum penalty—40 penalty units.

- (2) The practitioner must—
- (a) use a separate record book or a separate part of the record book for each class of controlled drug; and
  - (b) enter in the book, full details of each transaction involving a controlled drug administered, dispensed, obtained, supplied or used by the practitioner; and
  - (c) make the entry as soon as practicable after the controlled drug is administered, dispensed, obtained, supplied or used by the practitioner, but no later than the day after it is administered, dispensed, obtained, supplied or used.

Maximum penalty—40 penalty units.

- (3) The practitioner must ensure the entry includes the following—
- (a) the date of the transaction;
  - (b) the name and address of the person—
    - (i) from whom the controlled drug is obtained; or
    - (ii) for whom the controlled drug is dispensed, obtained or supplied or on whom it is administered or used;
  - (c) the quantity or volume of the controlled drug administered, dispensed, obtained, supplied or used in the transaction;
  - (d) the balance of the controlled drug in the practitioner's possession after the transaction;
  - (e) the practitioner's initials.

Maximum penalty—40 penalty units.

## **112 Records—ambulance officers and rural and isolated practice endorsed nurses**

- (1) An ambulance officer or rural and isolated practice endorsed nurse who obtains a controlled drug must keep a record book.

Maximum penalty—40 penalty units.



- (2) The ambulance officer or rural and isolated practice endorsed nurse must—
- (a) use a separate record book or a separate part of the record book for each class of controlled drug; and
  - (b) enter in the book—
    - (i) for an ambulance officer—full details of each transaction involving a controlled drug administered, obtained or used by the officer; or
    - (ii) for a nurse—full details of each transaction involving a controlled drug administered, obtained, supplied or used by the nurse; and
  - (c) make the entry as soon as possible after the controlled drug is administered, obtained, supplied or used by the officer or nurse, but no later than the day after it is administered, obtained, supplied or used.

Maximum penalty—40 penalty units.

- (3) The ambulance officer or rural and isolated practice endorsed nurse must ensure the entry includes the following—
- (a) the date and time of the transaction;
  - (b) the name and address of the person—
    - (i) from whom the controlled drug is obtained; and
    - (ii) for whom the controlled drug is supplied or on whom it is administered or used;
  - (c) the quantity or volume of the controlled drug administered, obtained, supplied or used in the transaction;
  - (d) the balance of the controlled drug in the officer's or nurse's possession after the transaction;
  - (e) if the controlled drug is administered to a person—the name of the doctor authorising the drug's administration;
  - (f) the officer's or nurse's signature.

Maximum penalty—40 penalty units.

**113 Record keeping for nursing practice in isolated practice area**

- (1) This section applies if 2 or more rural and isolated practice endorsed nurses operate a practice in an isolated practice area.
- (2) The person in charge of the practice must ensure records are kept of all transactions in controlled drugs involving the practice.

Maximum penalty—40 penalty units.

- (3) The person must, at least once a week—
  - (a) check the stock of controlled drugs in hand to ensure records about the controlled drugs in hand are accurate; and
  - (b) inspect all records of transactions in controlled drugs; and
  - (c) write the date and the results of the inspection on the record.

Maximum penalty—40 penalty units.

- (4) The person must immediately report to the chief executive—
  - (a) a contravention of this regulation; or
  - (b) an apparently excessive use of a controlled drug; or
  - (c) any inconsistency between the controlled drugs in stock and the controlled drugs that the records indicate should be in stock.

Maximum penalty—40 penalty units.

**114 Records—other approved persons**

- (1) A person approved under this regulation to administer, possess, obtain, sell or use a controlled drug must keep the records stated in the approval.

Maximum penalty—40 penalty units.

- (2) This section does not apply to records that must be kept under another provision of this chapter.

**115 Exemption of user from keeping records**

- (1) This part does not apply to a person for a controlled drug if—
  - (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
  - (b) the person uses the controlled drug for the dental, medical or veterinary purpose for which it is prescribed or for which the written instruction was written.
- (2) This section does not apply to records that must be kept under another provision of this chapter.

**116 Record to be made on day of transaction**

If, under a provision in this part, a person must enter a transaction in a document, the person must make the entry on the day of the transaction, unless the provision otherwise provides.

Maximum penalty—40 penalty units.

**116A Discrepancy to be immediately reported to chief executive**

If, under this division, a person is required to keep records about transactions in controlled drugs, and the person finds a discrepancy between the quantity or volume of a class of controlled drug kept by the person and the balance shown in the person's records for the drug, the person must immediately give written notice of the discrepancy to the chief executive.

Maximum penalty—40 penalty units.

**117 Records not to be changed but may be corrected**

- (1) A person must not cancel, change or obliterate an entry made in a book or other record kept under this part.

Maximum penalty—40 penalty units.

- (2) However, the person who made the entry may correct the entry by a signed and dated marginal note or footnote giving the correct details.

## **Part 8 Storage of controlled drugs**

### **118 Storage of controlled drugs at institutions**

- (1) The owner of an institution must ensure a controlled drug kept at the institution is kept—
- (a) in a receptacle that complies with appendix 6 of this regulation;<sup>25</sup> or
  - (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).

Maximum penalty—60 penalty units.

- (2) A person authorised to possess a controlled drug at an institution must—
- (a) ensure the drug is stored in the receptacle or secure place; and
  - (b) always keep the receptacle or place locked (other than when a controlled drug is being put into or taken out of the receptacle or place); and
  - (c) personally possess the key or combination to the receptacle or place.

Maximum penalty—60 penalty units.

- (3) However, the person may keep morphine or opium, if the morphine or opium is in a compounded preparation containing 0.1% or less of morphine calculated as anhydrous morphine—
- (a) in a part of the institution to which the public does not have access; or

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25 Appendix 6 (Minimum requirements for controlled drug receptacles)

- (b) in a cupboard or drawer that is not accessible to the public.

### **119 Storage of controlled drugs generally**

- (1) An authorised person in possession of a controlled drug in a place (other than an institution) must keep the drug—
  - (a) in a receptacle that complies with appendix 6 of this regulation; or
  - (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).

Maximum penalty—60 penalty units.

- (2) The authorised person must—
  - (a) always keep the receptacle or secure place locked (other than when a controlled drug is being put into or taken out of the receptacle or place); and
  - (b) personally possess the key or combination to the receptacle or place.

Maximum penalty—60 penalty units.

- (3) However, the authorised person may keep morphine or opium, if the morphine or opium is in a compounded preparation containing 0.1% or less of morphine calculated as anhydrous morphine—
  - (a) in a part of the person's premises to which the public does not have access; or
  - (b) in a cupboard or drawer that is not accessible to the public.
- (4) Also, an ambulance officer, doctor, rural and isolated practice endorsed nurse or veterinary surgeon may possess a controlled drug at a place other than the place where the person practises his or her profession.
- (5) The ambulance officer, doctor, rural and isolated practice endorsed nurse or veterinary surgeon must keep the drug in a secure place under his or her personal control.

Maximum penalty—60 penalty units.

- (6) However, this section does not apply to a person who is in possession of a controlled drug under a prescription for the drug for the person's own use or in caring for another person for whom the drug is prescribed.

## **Part 9**

### **Treatment with and dependence on controlled drugs**

#### **120 Notice required if lengthy treatment with controlled drug**

- (1) This section applies if a doctor—
- (a) administers, dispenses, prescribes or supplies, or intends to administer, dispense, prescribe or supply, a controlled drug in the treatment of a patient for more than 2 months; or
  - (b) reasonably suspects a patient has been treated with a controlled drug by another doctor for more than 2 months and the doctor intends to administer, dispense, prescribe or supply a controlled drug in the treatment of the patient.
- (2) The doctor must immediately give the chief executive a written report in the approved form about the circumstances of the patient's treatment.

Maximum penalty—40 penalty units.

- (3) The chief executive may ask the doctor to give the chief executive additional information about the treatment of the patient within a stated reasonable time.
- (4) The doctor must comply with the request, unless the doctor has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

**121 Controlled drugs not to be obtained unless information disclosed to dentist or doctor**

- (1) This section applies to a person who—
  - (a) consults a dentist or doctor (the *earlier practitioner*); and
  - (b) obtains a controlled drug or restricted drug of dependency, or a prescription for a controlled drug or restricted drug of dependency, from the earlier practitioner; and
  - (c) consults another dentist or doctor (the *other practitioner*) within 2 months after consulting the earlier practitioner.
- (2) The person must not obtain a controlled drug, or a prescription for a controlled drug, from the other practitioner unless the person gives the other practitioner details (including quantities) of all controlled drugs or restricted drugs of dependency, and prescriptions for controlled drugs or restricted drugs of dependency, obtained from an earlier practitioner within 2 months before the person consults the other practitioner.

Maximum penalty—80 penalty units.

**122 Approval needed for treating drug dependent person with controlled drugs**

- (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) If a doctor reasonably believes that it is necessary for the doctor to treat a drug dependent person, or the doctor proposes to treat a class of drug dependent persons, the doctor

must give the chief executive a report in the approved form about—

- (a) if the doctor reasonably believes that it is necessary to treat a drug dependent person—the circumstances of the person's treatment; or
- (b) if the doctor proposes to treat a class of drug dependent persons—the class of drug dependent persons the doctor proposes to treat and the proposed treatment of the persons.

Maximum penalty—40 penalty units.

- (3) The chief executive may ask the doctor to give the chief executive stated additional information about the treatment of the drug dependent person or class of persons within a stated reasonable time.
- (4) The doctor must comply with the request, unless the doctor has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

- (5) If the chief executive is reasonably satisfied that, for the welfare of the drug dependent person or class of drug dependent person, it is necessary for the doctor to treat the person or persons with a controlled drug, the chief executive may give the doctor written approval to administer, dispense, prescribe, supply or use a stated quantity or volume of the controlled drug.
- (6) Also, if the chief executive is reasonably satisfied that, for the welfare of the drug dependent person or class of drug dependent persons, it is necessary for the chief executive to give the doctor an oral approval to administer, dispense, prescribe, supply or use a stated quantity or volume of the controlled drug to or for the person or persons, the chief executive may give the oral approval.
- (7) However, if the chief executive gives the doctor an oral approval, the chief executive must give the doctor written confirmation of the approval as soon as possible after giving the oral approval.
- (8) A doctor to whom an approval has been given about a controlled drug for a drug dependent person or class of drug



dependent persons must not administer, dispense, prescribe or supply a controlled drug to, or use a controlled drug on, the person or persons other than under the approval.

Maximum penalty—60 penalty units.

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

### **122A Approval needed to establish or operate a controlled drugs administration facility**

A person must not, without an operating approval, establish or operate a controlled drugs administration facility.

Maximum penalty—20 penalty units.

### **123 Self-administration of controlled drugs by authorised persons prohibited**

- (1) A person who may possess a controlled drug under part 2 or 3<sup>26</sup> must not use the drug by self-administering it.

Maximum penalty—80 penalty units.

- (2) Subsection (1) does not apply to a controlled drug the person possesses for use for a medical or dental purpose if—
- (a) a dentist or doctor (other than the person) prescribed the drug for, or supplied the drug to, the person; and
  - (b) the dentist or doctor is reasonably satisfied the person has—
    - (i) a dental or medical condition for which the drug is an appropriate treatment; and
    - (ii) a genuine need to use the drug to treat the condition.

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26 Chapter 2 (Controlled drugs), part 2 (Endorsements) or 3 (Regulated controlled drugs)

## **Part 10                      General**

### **124      Controlled drugs for animals not to be dispensed etc. for human therapeutic use**

A person must not, without an approval, dispense, prescribe, sell or use, for human therapeutic use, a controlled drug labelled, manufactured, packed or prepared for use for animal treatment.

Maximum penalty—80 penalty units.

### **125      Controlled drugs for animals not to be administered to humans**

A person must not, without an approval, administer to himself, herself or someone else, a controlled drug labelled, manufactured, packed or prepared for use for animal treatment.

Maximum penalty—80 penalty units.

### **126      False, misleading or incomplete entries**

A person must not make an entry in a book or record required to be kept under this chapter that the person knows is a false, misleading or incomplete entry.

Maximum penalty—60 penalty units.

### **127      Improper use of prescriptions for controlled drugs**

(1) A person must not use a prescription, or document purporting to be a prescription, for a controlled drug to obtain the drug if the prescription or other document is written by someone other than a person—

- (a) who may prescribe the drug; and
- (b) whose name, professional qualifications and address are legibly written on the prescription.

Maximum penalty—80 penalty units.

- (2) A person must not obtain a controlled drug by using a prescription that the person knows falsely states the name or current residential address of the person for whom the drug is prescribed.

Maximum penalty—80 penalty units.

- (3) A person must not obtain a controlled drug by using a prescription that has on it an alteration, obliteration or other writing made by someone other than the prescriber who wrote the prescription.

Maximum penalty—80 penalty units.

- (4) A person must not change, obliterate or otherwise write on a prescription, unless the person is the prescriber who wrote the prescription.

Maximum penalty—80 penalty units

- (5) Subsections (3) and (4) do not apply to something written on a prescription under this chapter by a dispenser.

## **128 False statements—controlled drugs**

- (1) A person must not make a statement the person knows is false to obtain a controlled drug from a person endorsed under this regulation to administer, dispense or sell the drug.

Maximum penalty—80 penalty units.

- (2) A person must not make a statement the person knows is false to obtain a prescription for a controlled drug from a prescriber.

Maximum penalty—80 penalty units.

- (3) A person must not make a statement the person knows is false about a prescription or purchase order for a controlled drug.

Maximum penalty—80 penalty units.

- (4) A person must not state a name or residential address the person knows is false to—

- (a) a person who may administer, dispense, prescribe or sell a controlled drug; or

- (b) an employee or agent of a person mentioned in paragraph (a) in the performance of the employment or agency.

Maximum penalty—80 penalty units.

### **129 Production of documents about controlled drugs previously in authorised person's possession**

- (1) An inspector may require an authorised person to produce, for inspection by the inspector, any documents in the authorised person's possession relating to controlled drugs, or a particular controlled drug, that has been in the person's possession—
  - (a) at any time within the 2 years before the request; or
  - (b) at a stated time of not more than 2 years before the request.
- (2) The authorised person must comply with the requirement, unless the authorised person has a reasonable excuse for not complying with it.

Maximum penalty—20 penalty units.

- (3) The inspector may take extracts from, or make copies of, any documents produced by the authorised person.
- (4) The inspector may require the authorised person to give the inspector reasonable help to exercise the inspector's power under subsection (3).
- (5) The authorised person must comply with the requirement to give reasonable help, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—20 penalty units.

### **130 Unsafe disposal or use of controlled drugs**

A person must not discharge, dispose of or use a controlled drug in a way that—

- (a) endangers the life or safety of a person or domestic animal; or

- (b) exposes food, drink or a condiment or another drug or a poison to the risk of contamination by the controlled drug; or
- (c) allows access to the controlled drug to someone not endorsed to possess it.

Maximum penalty—80 penalty units.

### **131 Advertising controlled drugs**

- (1) A person must not advertise, or cause someone else to advertise, a substance that is or contains a controlled drug, whether or not the controlled drug is named in the advertisement.

Maximum penalty—80 penalty units.

- (2) However, subsection (1) does not apply to—
  - (a) an advertisement in a professional or trade journal; or
  - (b) a price list, advertisement or promotional material intended for circulation only to the wholesale drug trade or the dental, medical, pharmaceutical or veterinary professions; or
  - (c) a price list that complies with the document called ‘Price Information Code of Practice’, published by the department, as in force from time to time.<sup>27</sup>

### **131A Automatic machines—Act, s 106**

For section 106(2)<sup>28</sup> of the Act, the sale or supply of a controlled drug by means of an automatic machine or similar mechanical device is prohibited.

### **132 Safe keeping of controlled drugs**

A person must not carry, handle or store a controlled drug in a way that may allow the drug to mix with, or contaminate,

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<sup>27</sup> A copy of this document may be obtained from the department’s website at <[www.health.qld.gov.au](http://www.health.qld.gov.au)>.

<sup>28</sup> Section 106 (Offences in relation to automatic machines) of the Act

food, drink or a condiment or a drug or poison for human or animal use even if the container in which the controlled drug is carried, handled or stored breaks or leaks.

Maximum penalty—60 penalty units.

### **133 Keeping records**

A person who, under this chapter, must keep a record or other document about controlled drugs must—

- (a) ensure it is kept in good condition, as far as practicable; and
- (b) keep it for 2 years after the last entry that is made in it.

Maximum penalty—40 penalty units.

## **Chapter 3 Restricted drugs**

### **Part 1 Licences**

#### **Division 1 Preliminary**

##### **134 Application of pt 1**

This part applies to the following types of licences—

- (a) restricted drug manufacturer licences;
- (b) restricted drug wholesaler licences.

##### **135 Licence to state business premises and other particulars**

- (1) A licence under this chapter applies only to the place stated in the licence as the licensee's business premises.
- (2) The chief executive must not state more than 1 place in the licence as the licensee's business premises.

- (3) For a restricted drug manufacturer licence, the chief executive must also state in the licence—
  - (a) the restricted drug or drugs the licensee may manufacture under the licence; and
  - (b) the title of the position that is to have responsibility for supervising the manufacture of the restricted drug or drugs.
- (4) For a restricted drug wholesaler licence, the chief executive may state in the licence the restricted drug or drugs the licensee may sell under the licence.

## **Division 2                      Restricted drug manufacturer licence**

### **136      Restrictions on grant of restricted drug manufacturer licences**

The chief executive may grant a restricted drug manufacturer licence to a person only if the chief executive is reasonably satisfied—

- (a) the person—
  - (i) intends to carry on business as a restricted drug manufacturer; and
  - (ii) is a suitable person to manufacture and sell restricted drugs; and
- (b) an individual who holds the position responsible for supervising the manufacture of the restricted drug or drugs has the qualifications and experience necessary to effectively supervise the manufacture; and
- (c) the premises to be used for manufacturing the restricted drug or drugs are suitable for the purpose.

### **137      Restricted drug manufacturer licence**

A restricted drug manufacturer—

- (a) may manufacture only the restricted drugs stated in the manufacturer's licence; and
- (b) is taken to hold a restricted drug wholesaler licence; and
- (c) is taken to hold a poison manufacturer licence.

### **138 General conditions that apply to restricted drug manufacturer licence**

A restricted drug manufacturer—

- (a) must not manufacture, have, keep or sell a restricted drug at a place other than the manufacturer's business premises; and
- (b) must ensure each restricted drug manufactured under the manufacturer's licence is manufactured under the personal supervision of the individual who holds the position named in the licence; and
- (c) must ensure a restricted drug at the manufacturer's business premises is not handled by a person other than the manufacturer or a competent adult employee of the manufacturer.

Maximum penalty—60 penalty units.

### **139 Offence to manufacture restricted drug without licence**

A person must not manufacture a restricted drug unless the person—

- (a) holds a restricted drug manufacturer licence for the drug; or
- (b) is a State analyst who manufactures a restricted drug for the analyst's official duties; or
- (c) holds an endorsement under section 18(1)<sup>29</sup> to manufacture the restricted drug.

Maximum penalty—60 penalty units.

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<sup>29</sup> Section 18 (How chief executive may deal with applications)



## **Division 3                      Restricted drug wholesaler licence**

### **140      Restrictions on grant of restricted drug wholesaler licence**

The chief executive may grant a restricted drug wholesaler licence to a person only if the chief executive is reasonably satisfied—

- (a) the person intends to carry on business as a restricted drug wholesaler; and
- (b) the person is a suitable person to sell restricted drugs; and
- (c) the premises to be used for wholesaling the restricted drugs are suitable for the purpose.

### **141      Restricted drug wholesaler licence**

- (1) A restricted drug wholesaler may sell a restricted drug or an S2, S3 or S7 poison (whether or not for resale) to—
  - (a) an authorised person; or
  - (b) someone in another State who may obtain the drug under the law of the other State.
- (2) Also, a restricted drug wholesaler may sell a restricted drug or an S2, S3 or S7 poison by wholesale to a person in another country who may lawfully obtain the drug in the country.
- (3) Subsection (2) does not apply to a restricted drug that is a prohibited export under the *Customs Act 1901* (Cwlth).

### **142      General conditions that apply to restricted drug wholesaler licence**

- (1) A restricted drug wholesaler—
  - (a) must not have, keep or sell a restricted drug at a place other than the wholesaler's business premises; and
  - (b) must ensure a restricted drug at the wholesaler's business premises is not handled by a person other than

the wholesaler or a competent adult employee of the wholesaler; and

- (c) must not sell a restricted drug to anyone other than someone to whom the wholesaler may sell the drug under this regulation.

Maximum penalty—60 penalty units.

- (2) Subsection (1) does not prevent a restricted drug wholesaler giving a restricted drug to the wholesaler's representative to display or give, as samples, to a dentist, doctor or veterinary surgeon.
- (3) A restricted drug wholesaler must, in carrying on business under the restricted drug wholesaler's licence, comply with the Australian Code of Good Wholesaling Practice for Therapeutic Goods for Human Use.<sup>30</sup>

Maximum penalty—60 penalty units.

### **143 Offence to wholesale restricted drug without licence**

A person must not sell a restricted drug by wholesale unless the person holds a restricted drug manufacturer licence or restricted drug wholesaler licence for the drug.

Maximum penalty—60 penalty units.

## **Division 4 General**

### **144 Records of transactions to be kept by licensee**

- (1) A licensee must, when selling a restricted drug to a person, give the person an invoice for the sale of the drug.

Maximum penalty—40 penalty units.

- (2) The licensee must ensure the invoice—
- (a) has a unique number; and
- (b) states—

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<sup>30</sup> The code is available from the Therapeutic Goods Administration's website at <[www.tga.gov.au](http://www.tga.gov.au)>.

- (i) the date of the sale; and
  - (ii) the name and address of the person to whom the restricted drug is sold; and
- (c) describes the restricted drug and the quantity or volume of the drug sold.

Maximum penalty—40 penalty units.

- (3) The licensee must keep an accurate record of the particulars contained in the invoice and the invoice number for each transaction.

Maximum penalty—40 penalty units.

- (4) The licensee must also keep—
- (a) an accurate record of each restricted drug given to the licensee's wholesale representative; and
  - (b) a copy of each return given to the licensee by the representative.

Maximum penalty—40 penalty units.

- (4A) The licensee may keep a record to be kept under subsection (3) or (4) in the way the licensee considers appropriate, including, for example, in an electronic form.
- (5) If the licensee has more than 1 licence and the licensee's records are kept on a computer at the licensee's central or main office, the licensee must keep records for each licence at the relevant business premises.

Maximum penalty—40 penalty units.

#### **145 Persons to whom a licensee may give samples**

A licensee must not give a sample of a restricted drug to a person other than—

- (a) a dentist, doctor or veterinary surgeon; or
- (b) the licensee's wholesale representative.

Maximum penalty—60 penalty units.

## **Part 2                      Endorsements**

### **Division 1                  Preliminary**

#### **146      Endorsement needed for restricted drugs**

- (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.

## **Division 2                    Wholesale representatives**

### **147    Wholesale representative licence**

(1) 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 or an interstate licensee in a capacity requiring the person to possess restricted drugs for—

(i) displaying, as samples, to pharmacists; or

(ii) displaying or giving, as samples, to dentists, doctors or veterinary surgeons; and

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

(2) In this section—

*interstate licensee* means a person who holds a licence, under a law of another State, equivalent to a restricted drug manufacturer licence or restricted drug wholesaler licence.

### **148    Wholesale representative may obtain restricted drugs**

A wholesale representative is authorised to obtain a restricted drug from a restricted drug wholesaler and possess it for—

(a) displaying, as samples, to a pharmacist; or

(b) displaying or giving, as samples, to a dentist, doctor or veterinary surgeon.

### **149    Storage etc. of samples**

(1) When a wholesale representative is not, under section 148, displaying or giving restricted drugs to a person, the

representative must keep the restricted drugs the representative possesses for the representative's employer locked in a secure place out of public view.

Maximum penalty—60 penalty units.

- (2) If the representative gives, under section 148, a restricted drug to a dentist, doctor or veterinary surgeon (a *practitioner*), the representative must—
  - (a) before giving the drug to the practitioner—
    - (i) personally give the practitioner an invoice that complies with subsection (4) for the drug; and
    - (i) personally receive from the practitioner a copy of the invoice signed by the practitioner; and
  - (b) send a copy of the signed invoice to the representative's employer within 7 days after giving the drug to the practitioner.

Maximum penalty—40 penalty units.

- (3) If the representative returns a restricted drug to the representative's employer, the representative must complete an invoice that complies with subsection (4) for the drug and send a copy to the employer within 7 days after returning the drug.

Maximum penalty—40 penalty units.

- (4) The invoice must—
  - (a) have a unique number; and
  - (b) state—
    - (i) the day the drug is given or returned; and
    - (ii) if the drug is given to a dentist, doctor or veterinary surgeon—the name and address of the person to whom the drug is given; and
  - (c) describe the drug and the amount of the drug given or returned.
- (5) The representative must also keep a record of each restricted drug the representative—
  - (a) gives to a dentist, doctor or veterinary surgeon; or

(b) returns to the representative's employer.

Maximum penalty—40 penalty units.

### **150 Returns of transactions**

(1) A wholesale representative must give the representative's employer a return of transactions in restricted drugs, that complies with subsection (2), at least every 7 days.

Maximum penalty—40 penalty units.

(2) The return must—

(a) state—

(i) the period of the return; and

(ii) the quantity or volume of each class of restricted drug in the representative's possession at the start and at the end of the period; and

(b) include the quantity of each class of restricted drugs—

(i) received by the representative; and

(ii) given as a sample, or returned by, the representative; and

(c) include the invoice number for the restricted drugs given as samples or returned.

(3) The wholesale representative must keep a copy of the return.

Maximum penalty—40 penalty units.

### **151 Loss or theft of samples to be reported**

A wholesale representative must immediately report the loss or theft of a restricted drug to the representative's employer and the nearest police establishment.

Maximum penalty—60 penalty units.

### **152 Production of documents about restricted drugs previously in wholesale representative's possession**

(1) An inspector may require a wholesale representative to produce for inspection by the inspector any documents in the

representative's possession relating to restricted drugs, or a particular restricted drug, that has been in the person's possession—

- (a) at any time within the year before the request; or
- (b) at a stated time of not more than 1 year before the request.

- (2) The wholesale representative must comply with the requirement, unless the wholesale representative has a reasonable excuse for not complying with it.

Maximum penalty—20 penalty units.

- (3) The inspector may take extracts from, or make copies of, any documents produced by the wholesale representative.
- (4) The inspector may require the wholesale representative to give the inspector reasonable help to exercise the inspector's power under subsection (3).
- (5) The wholesale representative must comply with the requirement to give reasonable help, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—20 penalty units.

### **153 Giving samples**

- (1) A wholesale representative is authorised, for the representative's employer, to give a sample of a restricted drug to a dentist, doctor or veterinary surgeon at a place other than the employer's business premises.
- (2) The representative must not give a sample of a restricted drug to someone who is not a dentist, doctor or veterinary surgeon.

Maximum penalty—40 penalty units.

## **Division 3 Particular endorsements**

### **155 Anaesthetic assistants and enrolled nurses**

- (1) Subsection (2) applies to the following persons—



- (a) an anaesthetic assistant holding a qualification acceptable to the Australian and New Zealand College of Anaesthetists;
  - (b) an enrolled nurse.
- (2) The anaesthetic assistant or enrolled nurse is authorised to possess, under the written instruction of a doctor administering anaesthesia, a restricted drug at a hospital when preparing for, and during, anaesthetic procedures.
- (3) Subsection (4) applies to a person (a *trainee*) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise as an anaesthetic assistant.
- (4) To the extent necessary to undergo the course of training, the trainee is authorised to possess a restricted drug, only if the trainee possesses the drug—
- (a) at a hospital, when preparing for, or during, an anaesthetic procedure; and
  - (b) under the written instruction of a doctor administering anaesthesia; and
  - (c) under the direction and personal supervision of an anaesthetic assistant mentioned in subsection (1)(a).

## **156 Approved dispensers**

If the chief executive is reasonably satisfied a person who is employed as a pharmacist's assistant has had satisfactory training and experience in dispensing restricted drugs, the chief executive may give the person an approval to dispense a restricted drug at a dispensary under a pharmacist's direction and personal supervision.

## **157 Bases and outposts of Royal Flying Doctor Service**

- (1) The person in charge of a base of the Royal Flying Doctor Service of Australia is authorised to—
- (a) obtain a restricted drug that a doctor employed by the service considers necessary; or
  - (b) possess a restricted drug obtained under paragraph (a).

- (2) The person in charge of an outpost of the Royal Flying Doctor Service of Australia is authorised to—
  - (a) possess a restricted drug that a doctor employed by the service considers necessary; or
  - (b) administer or supply a restricted drug at the outpost under a doctor's oral or written instruction.

## 158 Carriers

To the extent necessary to transport and deliver a restricted drug, the following persons are authorised to possess a restricted drug—

- (a) a person engaged to transport and deliver the restricted drug;
- (b) an adult acting for a person engaged to transport and deliver the restricted drug.

## 158A Dental hygienists

- (1) To the extent necessary to perform a dental hygienist's functions under the *Dental Practitioners Registration Act 2001*, section 139A(2)(d)(i) or (ii),<sup>31</sup> a dental hygienist who has successfully completed a relevant course of training is authorised to administer the following restricted drugs—
  - (a) lignocaine;
  - (b) prilocaine;
  - (c) felypressin when in preparations containing prilocaine.
- (2) Subsection (3) applies to a person (a *trainee*) who is undergoing a relevant course of training.
- (3) To the extent necessary to undergo the relevant course of training, the trainee is authorised to administer the restricted drugs mentioned in subsection (1)(a) to (c).
- (4) Subsections (1) and (3) are subject to the *Dental Practitioners Registration Act 2001*, section 139A.

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31 *Dental Practitioners Registration Act 2001*, section 139A (Restriction)

(5) In this section—

**code of practice** means the document called ‘Practice of Dentistry by Dental Therapists and Dental Hygienists’<sup>32</sup> approved by the Minister under the *Health Practitioners (Professional Standards) Act 1999*, section 374(3).<sup>33</sup>

**relevant course of training** means a course of training—

- (a) for performing a dental hygienist’s function involving the administration of a restricted drug mentioned in subsection (1)(a) to (c); and
- (b) that is approved by the Dental Board of Queensland for the purpose of the code of practice.

### **158B Dental therapists**

- (1) To the extent necessary to perform a dental therapist’s functions under the *Dental Practitioners Registration Act 2001*, section 139A(2)(d)(i) or (ii), a dental therapist is authorised to administer the following restricted drugs—
  - (a) demeclocycline and triamcinolone in combination for topical endodontic use;
  - (b) lignocaine;
  - (c) mercury (metallic) for human therapeutic use;
  - (d) prilocaine;
  - (e) felypressin when in preparations containing prilocaine.
- (2) Subsection (3) applies to a person (a **trainee**) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise as a dental therapist.
- (3) To the extent necessary to undergo the course of training, the trainee is authorised to administer the restricted drugs mentioned in subsection (1)(a) to (e).

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32 A copy of this document may be obtained from the Dental Board of Queensland’s website at <[www.dentalboard.qld.gov.au](http://www.dentalboard.qld.gov.au)>.

33 *Health Practitioners (Professional Standards) Act 1999*, section 374 (Board may develop code of practice)

- (4) Subsections (1) and (3) are subject to the *Dental Practitioners Registration Act 2001*, section 139A.

## **159 Dentists**

To the extent necessary to practise dentistry, a dentist is authorised to—

- (a) obtain a restricted drug; or
- (b) possess a restricted drug at the place where the dentist practises dentistry; or
- (c) if the dentist is reasonably satisfied a person the dentist is treating needs a restricted drug for a therapeutic use as part of the person's dental treatment—
  - (i) administer the drug to the person while treating the person; or
  - (ii) supply the drug for the person's dental treatment; or
- (d) prescribe a restricted drug for a person's dental treatment; or
- (e) give someone who may administer or supply a restricted drug an oral or written instruction to administer or supply the drug.

## **160 Detention centres**

- (1) The manager of a detention centre is authorised to—
- (a) obtain a restricted drug for use at the detention centre on a purchase order complying with part 5;<sup>34</sup> or
  - (b) possess a restricted drug at the detention centre; or
  - (c) issue a restricted drug to an authorised person who may administer or supply it for the treatment of a child detained at the detention centre.

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<sup>34</sup> Chapter 3 (Restricted drugs), part 5 (Obtaining and selling restricted drugs on purchase order)

- (2) A detention centre's director of nursing or medical superintendent, or the pharmacist in charge of a detention centre dispensary, is authorised to—
- (a) obtain a restricted drug for use at the detention centre on a purchase order complying with part 5; or
  - (b) possess a restricted drug at the detention centre; or
  - (c) issue a restricted drug to an authorised person who may administer or supply it for the treatment of a child detained at the detention centre.

### **161 Doctors**

To the extent necessary to practise medicine, a doctor is authorised to—

- (a) obtain a restricted drug; or
- (b) possess a restricted drug at a place occupied by the doctor; or
- (c) if the doctor is reasonably satisfied a person the doctor is treating needs a restricted drug for a therapeutic use as part of the person's medical treatment—
  - (i) administer the drug to the person; or
  - (ii) dispense or prescribe the drug to or for the person; or
  - (iii) supply the drug to or for the person; or
  - (iv) obtain the drug for the person; or
- (d) give someone who may administer or supply a restricted drug an oral or written instruction to administer or supply the drug.

### **162 Enrolled nurses**

- (1) To the extent necessary to practise nursing, an enrolled nurse endorsed for the administration of restricted drugs is authorised to—
- (a) possess a restricted drug at the place where the person practises nursing; or

- (b) administer a restricted drug, other than an anaesthetic—
    - (i) on the oral or written instruction of a dentist, doctor or nurse practitioner; and
    - (ii) under the supervision of a dentist, doctor, midwife or registered nurse; or
  - (c) administer a restricted drug to a person for whom it has been dispensed and under the supervision of a dentist, doctor, midwife or registered nurse.
- (2) Subsection (3) applies to a person (a *trainee*) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise as an enrolled nurse.
- (3) To the extent necessary to undergo the course of training, the trainee is authorised to—
- (a) possess a restricted drug under the direction of a registered nurse at the place where the registered nurse practises nursing; or
  - (b) administer a restricted drug, other than an anaesthetic—
    - (i) on the oral or written instruction of a dentist, doctor or nurse practitioner; and
    - (ii) under the personal supervision of a dentist, doctor, midwife or registered nurse; or
  - (c) administer a restricted drug to a person for whom it has been dispensed and under the personal supervision of a dentist, doctor, midwife or registered nurse.
- (4) In this section—
- endorsed* means endorsed under the *Nursing Act 1992*.

### **163 Environmental health officers**

To the extent necessary for conducting an immunisation program, an environmental health officer employed by a local government in the program is authorised to possess a restricted drug that is a vaccine for human use.

**163A Hospital pharmaceutical assistants**

To the extent necessary to perform the person's pharmaceutical impost duties in a hospital, a hospital pharmaceutical assistant acting under the supervision of a pharmacist in the hospital, is authorised to—

- (a) possess a restricted drug (other than a restricted drug of dependency or a regulated restricted drug) at the hospital; or
- (b) issue a restricted drug (other than a restricted drug of dependency or a regulated restricted drug) to an authorised person for treatment of the hospital's patients.

**164 Hospitals**

- (1) This section applies to the following persons—
  - (a) the medical superintendent of a hospital;
  - (b) the pharmacist in charge of a hospital's dispensary;
  - (c) the director of nursing of a hospital.
- (2) A person to whom this section applies is authorised to—
  - (a) obtain a restricted drug for use at the hospital; or
  - (b) possess a restricted drug at the hospital; or
  - (c) issue a restricted drug for treatment of the hospital's patients.

**164A Indigenous health workers**

An indigenous health worker, while practising in an Aboriginal or Torres Strait Islander community in an isolated practice area in a specified health service district, is authorised—

- (a) to obtain and possess a restricted drug; or
- (b) to administer or supply a restricted drug, under a drug therapy protocol, on the oral or written instruction of a doctor or nurse practitioner.

**165 Inspectors**

To the extent necessary to perform an inspector's official duties, an inspector is authorised to—

- (a) obtain a restricted drug; or
- (b) possess a restricted drug; or
- (c) in an emergency or disaster situation—destroy a restricted drug.

**166 Manufacturer or wholesaler of restricted drugs**

- (1) A restricted drug manufacturer is authorised to—
  - (a) obtain a restricted drug (an *ingredient drug*) for manufacturing a different restricted drug stated in the manufacturer's licence; or
  - (b) possess an ingredient drug at the manufacturer's business premises.
- (2) A restricted drug wholesaler is authorised to—
  - (a) obtain a restricted drug; or
  - (b) possess a restricted drug at the wholesaler's business premises.
- (3) An adult employee of a restricted drug manufacturer or wholesaler is authorised to possess a restricted drug at the manufacturer's or wholesaler's business premises if—
  - (a) the drug is packed in the way required under chapter 1, part 4;<sup>35</sup> and
  - (b) the employee is acting within the scope of the employment; and
  - (c) the possession is reasonably necessary for the employee to deliver the drug to an authorised person under a lawful transaction between the employer and the authorised person.
- (4) A restricted drug manufacturer is authorised to—

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35 Chapter 1 (Introduction), part 4 (Packing and labelling)



- (a) obtain a controlled drug for manufacturing a restricted drug stated in the manufacturer's licence; or
- (b) possess a controlled drug obtained under paragraph (a) at the manufacturer's business premises.

## 167 Midwives

- (1) To the extent necessary to practise midwifery, a midwife is authorised to possess a restricted drug at the place where the person practises midwifery and administer the drug—
  - (a) on the oral or written instruction of a doctor or nurse practitioner; or
  - (b) to the person for whom it has been dispensed under the instructions stated by the dispenser.
- (2) Despite subsection (1), to the extent necessary to practise midwifery, a midwife is authorised to—
  - (a) possess a nitrous oxide mixture at any place; or
  - (b) administer a nitrous oxide mixture to a woman as an analgesic during childbirth.
- (3) In this section—

***childbirth*** means the process of labour and delivery beginning with uterine contractions and ending with the expulsion of the placenta and membranes from the woman giving birth.

***nitrous oxide mixture*** means a substance containing a mixture of nitrous oxide and oxygen in which the concentration of nitrous oxide is not more than 70%.

## 168 Mine sites etc.

- (1) This section applies to a person in charge on the site of any of the following—
  - (a) a mine;
  - (b) a petroleum well;
  - (c) a petroleum field production facility;
  - (d) a petroleum pipeline transport facility.

- (2) A person to whom this section applies is authorised to—
  - (a) obtain and possess a substance containing a mixture of equal volumes of nitrous oxide and oxygen (a *mixture*);  
or
  - (b) give a mixture to anyone who may possess and use it under subsection (3).
- (3) A person is authorised to possess the mixture and use it to maintain analgesia in someone who needs treatment at a place mentioned in subsection (1) if the person—
  - (a) has a current first aid certificate granted by an entity authorised under the *Ambulance Service Act 1991* to teach first aid; and
  - (b) has received satisfactory training in the use of the mixture; and
  - (c) has the role of performing necessary first aid duties at a place mentioned in subsection (1).

## **169 Nursing homes**

- (1) This section applies to the following persons—
  - (a) a nursing home’s director of nursing or medical superintendent;
  - (b) the registered nurse in charge of a nursing home;
  - (c) the pharmacist in charge of a nursing home’s dispensary.
- (2) A person to whom this section applies is authorised to—
  - (a) obtain a restricted drug for use at the nursing home on a purchase order complying with part 5;<sup>36</sup> or
  - (b) possess a restricted drug at the nursing home; or
  - (c) issue a restricted drug to an authorised person who may administer or supply it for the treatment of a resident of the nursing home.

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<sup>36</sup> Chapter 3 (Restricted drugs), part 5 (Obtaining and selling restricted drugs on purchase order)

**170 Optometrists**

- (1) To the extent necessary to practise optometry, an optometrist who has successfully completed a certified course of training is authorised to—
  - (a) obtain a substance containing—
    - (i) 1% or less of cyclopentolate; or
    - (ii) 0.4% or less of oxybuprocaine; or
    - (iii) 2% or less of pilocarpine; or
    - (iv) 0.5% or less of proxymetacaine; or
    - (v) 1% or less of tropicamide; or
  - (b) administer a substance obtained under paragraph (a); or
  - (c) possess a substance obtained under paragraph (a) at the place where the optometrist practises optometry.
- (2) To the extent necessary to practise optometry, an optometrist who has the prescribed qualifications is authorised to—
  - (a) obtain a registered restricted drug; or
  - (b) possess a registered restricted drug at the place where the optometrist practises optometry; or
  - (c) if the optometrist is reasonably satisfied a person needs a registered restricted drug for a therapeutic use as part of the person's ocular care or treatment, do any of the following under an ocular therapeutics protocol—
    - (i) administer or supply the drug to the person;
    - (ii) prescribe the drug for the person.
- (3) In this section—

***prescribed qualifications*** means the qualifications required under an ocular therapeutics protocol to administer, supply or prescribe a restricted drug.

***registered restricted drug*** means a restricted drug included in, or contained in a product included in, the Australian Register of Therapeutic Goods under the *Therapeutic Goods Act 1989* (Cwlth), section 9A.

**171 Pharmacists**

- (1) To the extent necessary to practise pharmacy, a pharmacist is authorised to—
  - (a) obtain a restricted drug; or
  - (b) dispense a restricted drug; or
  - (c) sell a restricted drug (other than by wholesale) on a purchase order; or
  - (d) possess a restricted drug at a dispensary or institution; or
  - (e) for a pharmacist practising pharmacy at a public sector hospital—supply a restricted drug, on the oral or written instruction of a doctor or nurse practitioner, to a person being discharged from the hospital or an outpatient of the hospital.
- (2) A trainee pharmacist is authorised to—
  - (a) possess a restricted drug at a dispensary under a pharmacist's direction; or
  - (b) dispense a restricted drug at or from a dispensary under a pharmacist's direction and personal supervision.

**172 Podiatrists**

To the extent necessary to practise podiatry, a podiatrist is authorised to—

- (a) obtain lignocaine and prilocaine of a strength of 1% or less, other than when combined or used together with adrenalin or another vasoconstrictor drug; or
- (b) administer a restricted drug obtained under paragraph (a); or
- (c) possess a restricted drug obtained under paragraph (a) at the place where the podiatrist practises podiatry.

**173 Prisons**

- (1) The general manager of a prison is authorised to—
  - (a) obtain a restricted drug for use at the prison on a purchase order complying with part 5; or

- (b) possess a restricted drug at the prison; or
  - (c) issue a restricted drug to an authorised person who may administer or supply it for the treatment of a prisoner at the prison.
- (2) A prison's director of nursing or medical superintendent, or the pharmacist in charge of a prison's dispensary, is authorised to—
- (a) obtain a restricted drug for use at the prison on a purchase order complying with part 5; or
  - (b) possess a restricted drug at the prison; or
  - (c) issue a restricted drug to an authorised person who may administer or supply it for the treatment of a prisoner at the prison.

#### **174 Queensland Ambulance Service**

- (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).

### **175 Registered nurses**

- (1) To the extent necessary to practise nursing, a registered nurse is authorised to—
  - (a) possess a restricted drug at a place where he or she practises nursing; or
  - (b) administer a restricted drug—
    - (i) on the oral or written instruction of a dentist, doctor or nurse practitioner; or
    - (ii) to the person for whom it has been dispensed under the instructions stated by the dispenser.
- (2) To the extent necessary to practise nursing in a rural hospital or an isolated practice area, a rural and isolated practice endorsed nurse is authorised to—
  - (a) obtain a restricted drug; or
  - (b) possess a restricted drug in the rural hospital or at a place in the isolated practice area where the person practises nursing; or
  - (c) administer or supply a restricted drug, on the oral or written instruction of a doctor or nurse practitioner or under a drug therapy protocol, to a person.
- (2A) To the extent necessary to practise nursing at a hospital within an isolated practice area, a registered nurse is authorised to supply a restricted drug, on the oral or written instruction of a doctor or nurse practitioner, to a person being discharged from the hospital or to an outpatient of the hospital.
- (3) To the extent necessary to practise nursing under an immunisation program, a registered nurse whose annual licence certificate is endorsed under the *Nursing Act 1992* for practice in an immunisation program is authorised to—

- (a) possess a vaccine or other restricted drug at a place where the nurse practises under the immunisation program; or
  - (b) administer a vaccine or other restricted drug—
    - (i) under the supervision of a doctor, on the doctor's oral instruction; or
    - (ii) under a drug therapy protocol.
- (4) To the extent necessary to practise nursing under a sexual health program, a registered nurse whose annual licence certificate is endorsed under the *Nursing Act 1992* for practice in a sexual health program is authorised to—
- (a) possess a restricted drug at a place where the program is conducted; or
  - (b) administer or supply a restricted drug—
    - (i) under the supervision of a doctor, on the doctor's oral instruction; or
    - (ii) under a drug therapy protocol.
- (5) To the extent necessary to practise nursing, a nurse practitioner is authorised to—
- (a) obtain a restricted drug; or
  - (b) possess a restricted drug at a place where the nurse practitioner practises nursing; or
  - (c) under a drug therapy protocol—
    - (i) administer or supply a restricted drug; or
    - (ii) give a nurse, midwife or indigenous health worker an oral or written instruction to administer a restricted drug; or
    - (iii) give a pharmacist an oral or written instruction to supply a restricted drug; or
    - (iv) prescribe a restricted drug.

### **176 Certain registered nurses at rural hospitals**

- (1) To the extent necessary to practise nursing at a rural hospital, the following persons are authorised to supply a restricted

drug, on the oral or written instruction of a dentist, doctor or nurse practitioner, to a person being discharged from the hospital or an outpatient of the hospital—

- (a) the hospital's director of nursing;
  - (b) a registered nurse nominated by the hospital's director of nursing.
- (2) However, subsection (1) applies only if—
- (a) the hospital does not employ a pharmacist; or
  - (b) if the hospital employs a pharmacist—the pharmacist is absent from the hospital at the time the restricted drug is supplied.

### **178 Ship's master**

- (1) The master of a ship in the State is authorised to obtain a restricted drug for use on the ship, or possess a restricted drug on the ship, to the extent necessary to comply with the *Navigation Act 1912* (Cwlth) or the *Transport Operations (Marine Safety) Act 1994*.
- (2) Otherwise, the master of a ship in the State is authorised to obtain, possess or administer a restricted drug, only if—
- (a) for obtaining a restricted drug—
    - (i) the purchase order for the drug is signed by a doctor; and
    - (ii) the drug is obtained for use on the ship; or
  - (b) for possessing a restricted drug—the drug is possessed for use on the ship; or
  - (c) for administering a restricted drug—the drug is administered on the ship—
    - (i) for the treatment of a person in an emergency; and
    - (ii) on a doctor's oral or written instruction.

### **179 State analysts**

To the extent necessary to perform a State analyst's official duties, a State analyst is authorised to—



- (a) obtain or manufacture a restricted drug; or
- (b) possess a restricted drug at the place where the analyst is performing official duties; or
- (c) use a restricted drug for official purposes or destroy it.

### **179AA Trainees in certain occupations**

- (1) This section applies to a person (a *trainee*) who is undergoing a course of training, the successful completion of which will qualify the trainee to carry out a relevant occupation.
- (2) To the extent necessary to undergo the course of training, the trainee is authorised to—
  - (a) possess a restricted drug under the direction of an authorised person carrying out the relevant occupation; or
  - (b) administer a restricted drug under the personal supervision of an authorised person carrying out the relevant occupation.
- (3) However, a trainee may only possess or administer a restricted drug under subsection (2), if—
  - (a) the authorised person is authorised under this regulation to possess or administer the drug; and
  - (b) the trainee possesses or administers the drug under the conditions (if any) that would apply to the possession or administration of the drug by the authorised person.
- (4) In this section—

*relevant occupation* means an occupation as a dentist, doctor, indigenous health worker, midwife, optometrist, podiatrist, registered nurse or veterinary surgeon.

### **179A Universities**

- (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) give 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.

### **179B Veterinary nurses**

- (1) 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.
- (2) Subsection (3) applies to a person (a *trainee*) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise as a veterinary nurse.
- (3) To the extent necessary to undergo the course of training, the trainee is authorised to—
- (a) possess a restricted drug under the direction of a veterinary nurse mentioned in subsection (1) at the place where the veterinary nurse practises veterinary nursing; and
  - (b) administer a restricted drug to an animal—
    - (i) under the personal 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.

## **180 Veterinary surgeons**

To the extent necessary to practise veterinary medicine, a veterinary surgeon is authorised to—

- (a) obtain a restricted drug; or
- (b) possess a restricted drug at a place occupied by the veterinary surgeon; or
- (c) if the veterinary surgeon is reasonably satisfied that an animal the veterinary surgeon is treating needs a restricted drug for a therapeutic use as part of the animal's veterinary treatment—
  - (i) administer the drug to the animal; or
  - (ii) dispense or prescribe the drug for the animal; or
  - (iii) obtain the drug for the animal; or
  - (iv) sell a restricted drug to a person for the person's animal.

## **181 Watch-house keepers etc.**

To the extent necessary for ensuring a person held at a watch-house or police establishment receives a restricted drug lawfully prescribed or supplied for the person as a dispensed medicine, the watch-house keeper, or a person performing the duties of watch-house keeper at a police establishment, is authorised to—

- (a) possess the restricted drug at the watch-house or police establishment; or
- (b) supply the restricted drug to the person for whom it was dispensed or supplied under the directions stated on the label attached to the medicine's container.

## Division 4                      General

### 183      When endorsement is not needed

- (1) A person does not need an endorsement under this regulation merely to deliver a restricted drug to a person for whom it has been dispensed, or the person's agent.
- (2) Also, a person (a *carer*) does not need an endorsement under this regulation to help another person (an *assisted person*) to take a restricted drug that has been supplied for the assisted person as a dispensed medicine, if—
  - (a) the assisted person asks for the carer's help to take the dispensed medicine; and
  - (b) the carer helps the assisted person to take the dispensed medicine under the directions on the label attached to the dispensed medicine's container.

## Part 3                              Regulated restricted drugs

### 185      Dinoprost and dinoprostone

A person must not dispense, prescribe, sell or use dinoprost or dinoprostone for human therapeutic use unless the person—

- (a) dispenses, prescribes, sells or uses dinoprost or dinoprostone for human therapeutic use under an approval; or
- (b) is a specialist in obstetrics and gynaecology; or
- (c) is a registrar in obstetrics and gynaecology working directly under the supervision of a specialist in obstetrics and gynaecology.

Maximum penalty—80 penalty units.

**186 Acitretin, etretinate, isotretinoin and tretinoin**

- (1) A person must not dispense, obtain, prescribe, sell or use acitretin or etretinate for human therapeutic use or isotretinoin or tretinoin for human oral therapeutic use unless the person—
  - (a) dispenses, obtains, prescribes, sells or uses the acitretin, etretinate, isotretinoin or tretinoin 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) Despite subsection (1)—
  - (a) a person for whose therapeutic use acitretin, etretinate or tretinoin is dispensed, prescribed or sold under subsection (1) may obtain or use acitretin, etretinate or tretinoin; or
  - (b) a person for whose oral therapeutic use isotretinoin is dispensed, prescribed or sold under subsection (1) may obtain or use isotretinoin.
- (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;<sup>37</sup> 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.

### **186A Bexarotene**

A person must not dispense, prescribe, sell or use bexarotene for human therapeutic use unless the person—

- (a) dispenses, prescribes, sells or uses the bexarotene for human therapeutic use under an approval; or
- (b) is a specialist in clinical haematology or medical oncology; or
- (c) is a registrar in clinical haematology or medical oncology working directly under the supervision of a specialist in clinical haematology or medical oncology.

Maximum penalty—80 penalty units.

### **186B Thalidomide**

- (1) 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

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<sup>37</sup> See the *Health Services Act 1991*, section 2 (Definitions)—  
**public sector hospital** means a hospital operated by the State.

- (b) is a specialist in a prescribed specialty; or
- (c) is a registrar in a prescribed specialty working directly under the supervision of a specialist in the prescribed specialty.

Maximum penalty—80 penalty units.

- (2) In this section—

*prescribed specialty* means clinical haematology, dermatology, infectious diseases, internal medicine or medical oncology.

### **187 Clomiphene, cyclofenil, luteinising hormone and urofollitrophin**

- (1) A person must not dispense, prescribe, sell or use a section 187 drug for human therapeutic use unless the person—
- (a) dispenses, prescribes, sells or uses the section 187 drug under an approval; or
  - (b) is a specialist in obstetrics and gynaecology or internal medicine; or
  - (c) is a registrar in obstetrics and gynaecology or internal medicine working directly under the supervision of a specialist in obstetrics and gynaecology or internal medicine.

Maximum penalty—80 penalty units.

- (2) In this section—

*section 187 drug* means any of the following regulated restricted drugs—

- (a) clomiphene, cyclofenil or another substance specifically prepared to stimulate ovulation;
- (b) luteinising hormone;
- (c) urofollitrophin (human follicle stimulating hormone).

### **188 Clozapine**

A person must not dispense, prescribe, sell or use clozapine for human therapeutic use unless the person—

- (a) dispenses, prescribes, sells or uses the clozapine for human therapeutic use under an approval; or
- (b) is a specialist in psychiatry; or
- (c) is a registrar in psychiatry working directly under the supervision of a specialist in psychiatry.

Maximum penalty—80 penalty units.

### **188A Bosentan**

A person must not dispense, prescribe, sell or use bosentan for human therapeutic use unless the person—

- (a) dispenses, prescribes, sells or uses the bosentan for human therapeutic use under an approval; or
- (b) is a specialist in cardiology, rheumatology or thoracic medicine.

Maximum penalty—80 penalty units.

### **188B Teriparatide**

A person must not dispense, prescribe, sell or use teriparatide for human therapeutic use unless the person—

- (a) dispenses, prescribes, sells or uses the teriparatide for human therapeutic use under an approval; or
- (b) is a specialist in endocrinology, geriatrics, internal medicine or rheumatology; or
- (c) is a doctor who dispenses, prescribes, sells or uses teriparatide under the supervision of a specialist in endocrinology, geriatrics, internal medicine or rheumatology to or for a patient who—
  - (i) has recently been assessed by a specialist in endocrinology, geriatrics, internal medicine or rheumatology as having a therapeutic need for teriparatide; and
  - (ii) lives at a remote place where the patient can not access the services of the specialist in person.

Maximum penalty—80 penalty units.



**189 Exemptions for some acts involving certain regulated restricted drugs**

- (1) This part does not prevent—
- (a) a person dispensing a section 189 drug on a lawful prescription written by someone who may prescribe the drug; or
  - (b) a restricted drug manufacturer or wholesaler selling a section 189 drug; or
  - (c) a person under medical treatment who is lawfully supplied with a section 189 drug using the drug in the way directed.

- (2) In this section—

***section 189 drug*** means any of the following regulated restricted drugs—

- (a) acitretin;
- (b) etretinate;
- (c) isotretinoin;
- (d) thalidomide;
- (e) dinoprost;
- (f) dinoprostone;
- (g) urofollitrophin (human follicle stimulating hormone);
- (h) luteinising hormone;
- (i) clomiphene, cyclofenil or another substance specifically prepared to stimulate ovulation;
- (j) clozapine;
- (k) tretinoin;
- (l) bosentan;
- (m) bexarotene;
- (n) teriparatide.

## Part 4                      Prescribing and dispensing restricted drugs

### Division 1                Prescribing restricted drugs

#### 190    Prescribing restricted drugs

- (1) A prescriber must not prescribe a restricted drug unless the prescription is made in a way that complies with this section.  
Maximum penalty—60 penalty units.
- (2) The following particulars must appear on the front of the prescription—
  - (a) the prescriber's name, professional qualifications and address;
  - (b) the date it is written;
  - (c) if the restricted drug is for human use—the name and address of the person for whose use it is prescribed;
  - (d) if the restricted drug is for an animal—the name and address of the animal's owner;
  - (e) the description of the restricted drug or the name of the preparation and the quantity or volume (in figures) of the drug or preparation;
  - (f) adequate directions about the use of the restricted drug;
  - (g) the dose to be taken or administered;
  - (h) if a doctor prescribes a dose that is more than the official dose<sup>38</sup>—a direction to dispense the higher dose that is underlined and initialled by the doctor;
  - (i) if a doctor or veterinary surgeon intends that the restricted drug be dispensed more than once—a direction stating the number of times (after the first) the drug may be dispensed;

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38 Under section 5 of the Act, *official dose* is defined—

*official dose*, when used with reference to any drug or other article, means the maximum dose (if any) stated in the British pharmacopoeia.

- (j) if the restricted drug is a regulated restricted drug—‘Approved’;
  - (k) if the prescriber is a veterinary surgeon—‘For animal treatment only’;
  - (l) if the prescriber is a dentist—‘For dental treatment only’;
  - (m) if the prescriber is an optometrist—‘For ocular treatment only’.
- (3) All particulars on the prescription (other than the prescriber’s name, professional qualifications and address) must be handwritten.
  - (4) However, a prescription may be generated—
    - (a) by a computer if the way the prescription is generated complies with appendix 4 of this regulation; or
    - (b) in another certified way.
  - (5) The prescriber must sign the prescription.
  - (6) If the prescriber amends the prescription, the prescriber must initial and date the amendment.

## **191 Restrictions on writing prescriptions**

- (1) A prescriber must not write on a prescription in code unless the prescriber has a certification for the code.  
Maximum penalty—20 penalty units.
- (2) A veterinary surgeon must not write a repeat prescription for a restricted drug authorising a dispenser to sell the drug under the prescription more than twice.  
Maximum penalty—40 penalty units.
- (3) A dentist must not write a prescription for more than the official dose.  
Maximum penalty—40 penalty units.

**192 Oral prescription**

- (1) If a dentist or doctor reasonably believes an emergency exists, the dentist or doctor may give a pharmacist an oral prescription for a restricted drug the dentist or doctor is endorsed to prescribe.
- (2) The dentist or doctor must immediately write a prescription for the drug and send the prescription to the pharmacist within 24 hours of giving the oral prescription.

Maximum penalty—40 penalty units.

- (3) If the pharmacist does not receive the relevant written prescription within 72 hours after being given the oral prescription, the pharmacist must immediately give a written report about the circumstances to the chief executive.

Maximum penalty—20 penalty units.

**Division 2 Dispensing restricted drugs****193 Conditions of dispensing**

- (1) A dispenser must not dispense a restricted drug unless—
  - (a) the drug is dispensed on a prescription that complies with division 1; and
  - (b) the drug dispensed—
    - (i) conforms with the prescription; or
    - (ii) is dispensed under section 195.

Maximum penalty—60 penalty units.

- (2) Also, a dispenser must not dispense a restricted drug on a prescription if—
  - (a) it is written by someone the dispenser reasonably believes is not a nurse practitioner or registered in the State as a dentist, doctor, optometrist or veterinary surgeon;<sup>39</sup> or

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<sup>39</sup> However, see section 196 (Interstate prescriptions).

- (b) the dispenser knows, or ought reasonably to know, the prescription was obtained because of false information given to the prescriber; or
- (c) it is wholly or partly defaced, illegible or obliterated; or
- (d) it appears to the dispenser to have been changed by someone other than the prescriber; or
- (e) it has 'Cancelled' stamped or written on it; or
- (f) it appears to the dispenser to be false in any particular; or
- (g) it appears to have been prescribed more than 1 year before the date it is presented to the dispenser; or
- (h) if 'Approved' must be written on it under section 190<sup>40</sup> because it is a regulated restricted drug—it does not have 'Approved' written on it.

Maximum penalty—60 penalty units.

- (2A) Also, a dispenser must not dispense a restricted drug on a computer-generated prescription that has been changed unless the dispenser first contacts the prescriber to check the change is correct.

Maximum penalty—60 penalty units.

- (3) Further, a dispenser must not dispense a restricted drug—
- (a) more than the number of times stated by a valid repeat direction; or
  - (b) before the time stated on the prescription that must elapse between each dispensing of the drug.

Maximum penalty—60 penalty units.

- (4) If a dispenser reasonably believes a prescription is false in any particular, the dispenser must—
- (a) keep the prescription for the time reasonably necessary to enable the dispenser to find out if it is genuine; and
  - (b) make reasonable inquiries to establish the name and address of the person who gave it to the dispenser.

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40 Section 190 (Prescribing restricted drugs)

- (5) Subsection (6) applies to a dispenser in relation to a prescription if—
- (a) the dispenser is reasonably satisfied the prescription does not comply with division 1; or
  - (b) under subsection (2), the dispenser does not dispense a restricted drug on the prescription; or
  - (c) after checking under subsection (2A), the dispenser is reasonably satisfied a change to the prescription is incorrect.
- (6) The dispenser must—
- (a) on the front of the prescription, sign the prescription and write ‘Cancelled’, the date and the name and address of the dispensary; and
  - (b) send it to the chief executive within 14 days after cancelling it.

Maximum penalty—40 penalty units.

### **194 Emergency sale of restricted drugs by pharmacist**

- (1) Despite section 193(1)(a), a pharmacist may sell a restricted drug to a person without prescription if the pharmacist reasonably believes—
- (a) an emergency exists; and
  - (b) the person seeking the drug is under medical treatment requiring the use of the drug; and
  - (c) it is essential to continue the treatment for the person’s wellbeing.
- (2) The pharmacist—
- (a) must not sell more than—
    - (i) for a restricted drug that is a prepacked liquid, cream, ointment or aerosol—the minimum standard pack; or
    - (ii) for another restricted drug—3 days supply of the drug; and

- (b) must sell the drug in a container that has on it a securely attached label with the following written on it—
- (i) ‘Keep out of reach of children’ in red on a background of contrasting colour and in bold-faced sans serif capital letters with a face depth of at least 1.5mm;
  - (ii) ‘Emergency supply’ in a colour contrasting with the background colour and in bold-faced sans serif capital letters with a face depth of at least 1.5mm;
  - (iii) the name of the person for whose treatment it is intended;
  - (iv) the name and address of the pharmacy;
  - (v) the date of sale;
  - (vi) a description of the contents in the form of the approved name of the preparation, the trade name of the preparation, or the approved name of each drug or poison present in the preparation.

Maximum penalty—40 penalty units.

- (3) The pharmacist in charge of a dispensary at which restricted drugs are sold under this section must keep a record book (the *emergency supply book*) about the sale of the drugs at the dispensary.

Maximum penalty—40 penalty units.

- (4) The pharmacist must, when selling a restricted drug under this section, record in the emergency supply book—
- (a) the name and address of the person to whom the drug was sold; and
  - (b) the date the drug is sold; and
  - (c) the description and quantity or volume of the drug sold; and
  - (d) the directions given for the use of the drug; and
  - (e) the name of the doctor or nurse practitioner who last prescribed the drug.

Maximum penalty—40 penalty units.

**195 Dispensing generic drugs**

- (1) This section applies if a restricted drug is specified in a prescription by a brand name (the *specified drug*) and the drug is also available under another brand name (the *generic drug*).
- (2) A dispenser may dispense the generic drug in place of the specified drug if—
  - (a) the drug is dispensed at a public sector hospital; or
  - (b) for a drug dispensed at a place other than a public sector hospital—
    - (i) the specified drug and the generic drug are both drugs to which a pharmaceutical benefit applies under the National Health Act; and
    - (ii) the prescriber did not indicate on the prescription that only the specified drug was to be dispensed; and
    - (iii) the schedule of pharmaceutical benefits, issued by the Commonwealth department within which the National Health Act is administered, states the specified drug and the generic drug are equivalent; and
    - (iv) a determination is in force for the generic drug under section 85(6)<sup>41</sup> of the National Health Act; and
    - (v) it is lawful to dispense the generic drug on prescription; and
    - (vi) the person to whom it is dispensed asks for, or agrees to, the dispensing of the generic drug in place of the specified drug.
- (3) If a generic drug is dispensed, the dispenser must write the brand name of the generic drug on the front of the prescription and sign the prescription.

Maximum penalty—20 penalty units.

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41 Section 85 (Pharmaceutical benefits) of the National Health Act



**196 Interstate prescriptions**

- (1) A dispenser may dispense a restricted drug on a prescription that—
  - (a) reasonably appears to be written by a person who, under the law of another State, is a dentist, doctor or veterinary surgeon; and
  - (b) otherwise complies with this regulation.
- (2) However, this section does not apply to the following restricted drugs—
  - (a) a regulated restricted drug;
  - (b) anabolic steroids;
  - (c) diethylpropion;
  - (d) ephedrine;
  - (f) phentermine.
- (3) Also, this section applies despite sections 193 to 195.<sup>42</sup>

**197 Dealing with prescriptions**

- (1) A dispenser must, when dispensing a restricted drug on prescription—
  - (a) write the date and, for a repeat prescription, the repeat number, on the front of the prescription; and
  - (b) write on the prescription—
    - (i) the name and address of the dispensary; and
    - (ii) ‘Cancelled’; and
  - (c) sign the prescription.

Maximum penalty—40 penalty units.
- (2) The dispenser must handwrite the date and repeat number.

Maximum penalty—40 penalty units.

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<sup>42</sup> Sections 193 (Conditions of dispensing), 194 (Emergency sale of restricted drugs by pharmacist) and 195 (Dispensing generic drugs)

- (3) If the prescription is for a regulated restricted drug to which sections 185 to 188<sup>43</sup> apply, the dispenser must send the prescription to the chief executive within 14 days after dispensing the drug.

Maximum penalty—40 penalty units.

- (4) If a dispenser is asked to dispense more of a restricted drug of dependency for a person than appears to be reasonably necessary, or more frequently than appears to be reasonably necessary, the dispenser must immediately give the chief executive a written notice about—
- (a) the circumstances in which the dispenser has been asked to dispense the restricted drug of dependency; and
  - (b) the quantity or volume of the restricted drug dispensed or when it has been dispensed for the person.
- (5) Subsections (1)(b)(ii) and (3) apply to a repeat prescription only if the last repeat of the prescription is dispensed.
- (6) Subsection (1)(b)(ii) does not apply to a duplicate of a prescription issued under the National Health Act or the Veterans Entitlements Act.

## **198 Labelling dispensed medicines**

- (1) A person who sells a restricted drug as a dispensed medicine must securely attach to the medicine's container a label, as required by this section, with the following warnings printed on it—
- (a) 'Keep out of reach of children';
  - (b) if the prescriber is a veterinary surgeon—'For animal treatment only'.

Maximum penalty—40 penalty units.

- (2) The warnings must be printed in red on a background of contrasting colour and in bold-faced sans serif capital letters with a face depth of at least 1.5mm.

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43 Sections 185 (Dinoprost and dinoprostone), 186 (Acitretin, etretinate, isotretinoin and tretinoin), 186A (Bexarotene), 186B (Thalidomide), 187 (Clomiphene, cyclofenil, luteinising hormone and urofollitrophin) and 188 (Clozapine)

- (3) The label must also have written on it—
- (a) if the dispensed medicine is for human use—the name of the person for whose use it is intended; and
  - (b) if the dispensed medicine is for an animal—the name of the animal’s owner; and
  - (c) the name and address of the person selling the dispensed medicine; and
  - (d) a description of the name of the dispensed medicine under subsection (4) or (5); and
  - (e) a description of the strength of, and the quantity or volume of, the dispensed medicine; and
  - (f) directions about the use of the medicine; and
  - (g) the date the medicine is sold; and
  - (h) the seller’s initials; and
  - (i) if the medicine is for internal human therapeutic use and is a substance in appendix K<sup>44</sup> of the standard—
    - (i) ‘This medication may cause drowsiness. If affected do not drive a vehicle or operate machinery. Avoid alcohol.’; or
    - (ii) ‘This medication may cause drowsiness and may increase the effects of alcohol. If affected do not drive a motor vehicle or operate machinery.’; and
  - (j) if the medicine’s expiry date is not visible—the medicine’s expiry date; and
  - (k) if the medicine is acetretin, adapalene, bexarotene, bosentan, etretinate, isotretinoin for oral use, leflunomide, levocabastine, misoprostol, tretinoin for oral use or thalidomide—the warning statements given for the drugs in appendix F, part 1 of the standard.
- (4) The dispensed medicine must be described by—
- (a) its approved name;<sup>45</sup> or

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44 Appendix K (Drugs required to be labelled with a sedation warning) of the standard

45 For the definition *approved name* see part 1 of the standard.

- (b) the name the prescriber wrote on the prescription or, if a different brand of the medicine is dispensed, the name of the brand dispensed; or
  - (c) its trade name; or
  - (d) the approved name of each restricted drug in the medicine; or
  - (e) the name of each restricted drug in the medicine as written in the prescription.
- (5) Despite subsection (4), a doctor may state in a prescription that the contents of a dispensed medicine must be described in another way that is not a false description.

### **199 Records of restricted drugs dispensed to be kept**

- (1) The pharmacist in charge of a dispensary must keep records, as required by this section, of all restricted drugs dispensed at the dispensary.
- Maximum penalty—40 penalty units.
- (2) The pharmacist may keep the records in the way the pharmacist considers appropriate, including, for example, in an electronic form.
- (3) Each entry made in the records must include—
- (a) the name and address of the person for whose use a restricted drug is dispensed; and
  - (b) the date the drug is dispensed; and
  - (c) the description and quantity or volume of the drug dispensed; and
  - (d) the directions for use as written in the prescription; and
  - (e) the name and address of the prescriber; and
  - (f) a distinguishing number given to the prescription by the pharmacist; and
  - (g) the initials of the dispenser.
- (4) If the drug is dispensed on a repeat prescription and the dispenser has previously recorded the particulars mentioned



- (b) the name and address of the person placing the order; and
  - (c) the description and quantity or volume of the drug to be supplied; and
  - (d) a number that allows the purchase order to be distinguished from other purchase orders used by the person ordering the restricted drug.
- (3) A purchase order placed by a dentist, doctor, optometrist, pharmacist, podiatrist or veterinary surgeon—
- (a) must be signed by the dentist, doctor, optometrist, pharmacist, podiatrist or veterinary surgeon placing the order; and
  - (b) if it is placed—
    - (i) by an optometrist—have ‘Section 170’ written on it; or
    - (ii) by a podiatrist—have ‘Section 172’ written on it.
- (4) A purchase order for restricted drugs placed by or for an entity, or to be used at a place, mentioned in appendix 3, part 2, column 1 of this regulation must be signed by—
- (a) the person appearing opposite the entity or place in column 2; or
  - (b) any 1 of the persons appearing opposite the entity or place in column 2.

## **201 Sale of restricted drugs to authorised persons**

- (1) A person must not sell a restricted drug to an authorised person (other than a ship’s master) unless the drug is sold—
- (a) on a purchase order complying with this part; or
  - (b) if the person placing the order has an approval to obtain the drug—on production of the approval.

Maximum penalty—60 penalty units.

- (2) A person must not sell a restricted drug to a ship’s master unless—

- (a) the person has an approval to sell the restricted drug to the ship's master; and
- (b) the person receives from the ship's master a purchase order for the restricted drug, that is signed by—
  - (i) if the ship's master is authorised to obtain the drug under section 178(2)<sup>46</sup>—a doctor; or
  - (ii) otherwise—the ship's master.

Maximum penalty—60 penalty units.

- (3) Despite subsection (1), a purchase order or an approval is not needed for the sale of a restricted drug (other than a regulated restricted drug) to a dentist, doctor, pharmacist or veterinary surgeon.

## **202 Delivery of restricted drugs**

- (1) A person who sells a restricted drug (the *seller*), or an adult employee of the seller, may—
  - (a) personally deliver a restricted drug to an authorised person or an adult employee of the authorised person (the *buyer*) at the seller's or buyer's premises; or
  - (b) send a restricted drug to the buyer by post or a carrier or transport service.
- (2) The seller must not deliver or send a restricted drug to the buyer unless the drug is in a securely closed package addressed to the buyer.

Maximum penalty—40 penalty units.

## **203 Dealing with purchase orders**

- (1) If a pharmacist, or a person who is authorised to dispense a regulated restricted drug under a pharmacist's personal supervision, sells a regulated restricted drug on a purchase order, the pharmacist or person must—
  - (a) write on the front of the order—

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<sup>46</sup> Section 178 (Ship's master)

*Health (Drugs and Poisons) Regulation 1996*

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- (i) the date the drug is sold; and
  - (ii) the name and address of the dispensary at or from which the drug is sold; and
- (b) sign the order and send it to the chief executive within 14 days after selling the drug.

Maximum penalty—40 penalty units.

- (2) If a pharmacist, or a person authorised to dispense a restricted drug under the personal supervision of the pharmacist, sells a restricted drug (other than a regulated restricted drug) on a purchase order, the pharmacist or person must—

- (a) write on the front of the order—
  - (i) the date the drug is sold; and
  - (ii) the name and address of the dispensary at or from which the drug is sold; and
- (b) sign the order and keep it for 2 years after the date the drug was sold.

Maximum penalty—40 penalty units.

- (3) If a person (other than a person mentioned in subsection (2)) sells a restricted drug on a purchase order, the person must—

- (a) write the date of the sale on the front of the order and sign the order; and
- (b) keep the order for 2 years after the date of the sale.

Maximum penalty—40 penalty units.

- (4) If the order is for the sale of a restricted drug to a ship's master, the person selling the drug, whether under subsection (1), (2) or (3), must also write on the duplicate of the order the information required under the relevant subsection.

Maximum penalty—40 penalty units.

- (5) However, the person need only send 1 copy of the order to the chief executive within 48 hours.

- (6) A duplicate of an order written under the National Health Act is taken to be a purchase order for subsection (1), (2) or (3).



## Part 6 Possession and use of restricted drugs

### 204 Unlawful possession of restricted drugs

- (1) A person must not possess a restricted drug that the person did not lawfully obtain.

Maximum penalty—60 penalty units.

- (2) In this section—

*restricted drug* does not include a restricted drug that is also a dangerous drug under the *Drugs Misuse Regulation 1987*, schedule 2A.<sup>47</sup>

### 205 Possession by user

- (1) A person who lawfully obtains a restricted drug may possess the drug for the time reasonably necessary for the person to use the drug for the purpose and in the way the authorised person directs.

- (2) The person must—

- (a) keep the restricted drug in the person's possession until it is used; and
- (b) use the restricted drug, or allow it to be used, only for the purpose for which it was obtained.

Maximum penalty—40 penalty units.

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<sup>47</sup> The *Drugs Misuse Act 1986*, section 9 provides that a person who unlawfully has possession of a dangerous drug is guilty of a crime.

## **Part 7**                      **Records of restricted drugs**

### **207**    **Records of restricted drugs supplied to be kept**

- (1) The director of nursing of a hospital, or the registered nurse in charge of a hospital, must keep records, as required by this section, of all restricted drugs supplied by a nurse at the hospital under section 175(2A) or 176.

Maximum penalty—40 penalty units.

- (1A) Each of the following nurses must keep records, as required by this section, of all restricted drugs supplied by the nurse under section 175—

- (a) a rural and isolated practice endorsed nurse;
- (b) a registered nurse practising nursing under a sexual health program.

Maximum penalty—40 penalty units.

- (2) The records must be kept in 1 of the following ways—
- (a) written entries in a bound book with consecutively numbered pages, made in the order in which the transactions happen;
  - (b) entries stored in the computer system that has enough capacity and backup capability for the purpose;
  - (c) another certified way.
- (3) An entry in the record book about a restricted drug must include—
- (a) the name and address of the person for whose use the restricted drug is supplied; and
  - (b) the date the restricted drug is supplied; and
  - (c) the description and quantity or volume of the restricted drug supplied; and
  - (d) the directions for use as written in the prescription; and
  - (e) the name and address of the prescriber; and
  - (f) the initials of the nurse supplying the restricted drug.

- (4) A person must not cancel, change or obliterate an entry in a record book kept under this section.

Maximum penalty—40 penalty units.

- (5) However, the person who made the entry may correct the entry—
- (a) if it is in a book—by a signed and dated marginal note or footnote giving the date of the correction and the correct particulars; or
  - (b) if it is a computer record—only if a note is made on the record of the change, the date of the change and the name of the person who made the change.

## **208 Records—other approved persons**

- (1) A person approved under this regulation to administer, obtain, possess, sell or use a restricted drug must keep the records stated in the approval.

Maximum penalty—20 penalty units.

- (2) This section does not apply to records that must be kept under another provision of this chapter.

## **209 Exemption of user from keeping records**

- (1) This part does not apply to a person for a restricted drug if—
- (a) the restricted drug was lawfully prescribed for the person or the person's animal; and
  - (b) the person uses the restricted drug for the dental, medical, ocular or veterinary purpose for which it is prescribed.
- (2) This section does not apply to records that must be kept under another provision of this chapter.

## **210 Records not to be changed but may be corrected**

- (1) A person must not cancel, change or obliterate an entry in a record kept under section 208.

Maximum penalty—20 penalty units.



- (a) consults a dentist or doctor (the *earlier practitioner*); and
  - (b) obtains a restricted drug of dependency or controlled drug, or a prescription for a restricted drug of dependency or controlled drug, from the earlier practitioner; and
  - (c) consults another dentist or doctor (the *other practitioner*) within 2 months after consulting the earlier practitioner.
- (2) A person must not obtain a restricted drug of dependency, or a prescription for a restricted drug of dependency, from the other practitioner unless the person gives the other practitioner details (including quantities) of all restricted drugs of dependency or controlled drugs, and prescriptions for restricted drugs of dependency or controlled drugs, the person has obtained from the earlier practitioner within 2 months before the day the person consults the other practitioner.

Maximum penalty—60 penalty units.

**213 Approval needed for treatment by doctor of drug dependent person with restricted drugs of dependency**

- (1) A doctor must not, without an approval—
- (a) dispense or prescribe a restricted drug of dependency for a person the doctor reasonably believes is a drug dependent person; or
  - (b) administer or supply a restricted drug of dependency to or for a drug dependent person.

Maximum penalty—60 penalty units.

- (2) If a doctor reasonably believes it is necessary for the doctor to treat a drug dependent person, or the doctor proposes to treat a class of drug dependent persons, with a restricted drug of dependency, the doctor must give the chief executive a report in the approved form about—
- (a) if the doctor reasonably believes it is necessary to treat a drug dependent person—the circumstances of the person's treatment; or

- (b) if the doctor proposes to treat a class of drug dependent persons—the class of drug dependent persons the doctor proposes to treat and the proposed treatment of the persons.
- (3) The chief executive may ask the doctor to give the chief executive stated additional information about the treatment of the drug dependent person, or class of drug dependent persons, within a stated reasonable time.
- (4) The doctor must comply with the request, unless the doctor has a reasonable excuse for not complying with it.

Maximum penalty—20 penalty units.

- (5) If the chief executive is reasonably satisfied that, for the welfare of the drug dependent person, or class of drug dependent persons, it is necessary for the doctor to treat the person, or class of persons, with a restricted drug of dependency, the chief executive may give the doctor a written approval to administer, dispense, prescribe, supply or use a stated quantity or volume of the restricted drug.
- (6) Also, if the chief executive is reasonably satisfied that, for the welfare of the drug dependent person, or class of drug dependent persons, it is necessary for the chief executive to give the doctor an oral approval to administer, dispense, prescribe, supply or use a stated quantity or volume of the restricted drug of dependency to or for the person or persons, the chief executive may give the oral approval.
- (7) However, if the chief executive gives the doctor an oral approval, the chief executive must give the doctor written confirmation of the approval as soon as possible after giving the oral approval.
- (8) A doctor to whom an approval has been given about a restricted drug of dependency for a drug dependent person, or class of drug dependent persons, must not administer, dispense, prescribe or supply a restricted drug of dependency to, or use a restricted drug of dependency on, the person or persons other than under the approval.

Maximum penalty for subsection (8)—60 penalty units.

**213A Approval needed for treatment by dentist of drug dependent person with restricted drugs of dependency**

- (1) A dentist must not, without an approval—
  - (a) dispense or prescribe a restricted drug of dependency for a person the dentist reasonably believes is a drug dependent person; or
  - (b) administer or supply a restricted drug of dependency to or for a drug dependent person.

Maximum penalty—60 penalty units.

- (2) If a dentist reasonably believes it is necessary for the dentist to treat a drug dependent person with a restricted drug of dependency the dentist must give the chief executive a report in the approved form about the circumstances of the person's treatment.
- (3) The chief executive may ask the dentist to give the chief executive stated additional information about the treatment of the drug dependent person within a stated reasonable time.
- (4) The dentist must comply with the request, unless the dentist has a reasonable excuse for not complying with it.

Maximum penalty—20 penalty units.

- (5) If the chief executive is reasonably satisfied that, for the welfare of the drug dependent person, it is necessary for the dentist to treat the person with a restricted drug of dependency, the chief executive may give the dentist a written approval to administer, dispense, prescribe, supply or use a stated quantity or volume of the restricted drug.
- (6) Also, if the chief executive is reasonably satisfied that, for the welfare of the drug dependent person, it is necessary for the chief executive to give the dentist an oral approval to administer, dispense, prescribe, supply or use a stated quantity or volume of the restricted drug of dependency to or for the person the chief executive may give the oral approval.
- (7) However, if the chief executive gives the dentist an oral approval, the chief executive must give the dentist written confirmation of the approval as soon as possible after giving the oral approval.

- (8) A dentist to whom an approval has been given about a restricted drug of dependency for a drug dependent person must not administer, dispense, prescribe or supply a restricted drug of dependency to, or use a restricted drug of dependency on, the person other than under the approval.

Maximum penalty for subsection (8)—60 penalty units.

## **Part 10                      General**

### **214      Restricted drugs for animals not to be dispensed etc. for human therapeutic use**

A person must not, without an approval, dispense, prescribe, sell or use, for human therapeutic use, a restricted drug labelled, manufactured, packed or prepared for use for animal treatment.

Maximum penalty—60 penalty units.

### **215      Restricted drugs for animals not to be administered to humans**

A person must not, without an approval, administer to himself, herself or someone else a restricted drug manufactured, prepared, packed or labelled for use for animal treatment.

Maximum penalty—60 penalty units.

### **216      False, misleading or incomplete entries**

A person must not make an entry in a book or record required to be kept under this chapter that the person knows is a false, misleading or incomplete entry.

Maximum penalty—60 penalty units.



**217 Improper use of prescriptions for restricted drugs**

- (1) A person must not use a prescription, or a document purporting to be a prescription, for a restricted drug to obtain the drug if the prescription or other document is written by someone other than a person—
  - (a) who may prescribe the drug; and
  - (b) whose name, professional qualifications and address are legibly written on the prescription.

Maximum penalty—60 penalty units.

- (2) A person must not obtain a restricted drug by using a prescription that the person knows falsely states the name or current residential address of the person for whom the drug is prescribed.

Maximum penalty—60 penalty units.

- (3) A person must not obtain a restricted drug by using a prescription that has on it an alteration, obliteration or other writing made by someone other than the prescriber who wrote the prescription.

Maximum penalty—60 penalty units.

- (4) A person must not change, obliterate or otherwise write on a prescription, unless the person is the prescriber who wrote the prescription.

Maximum penalty—60 penalty units.

- (5) Subsections (3) and (4) do not apply to something written on a prescription under this chapter by a dispenser.

**218 False statements—restricted drugs**

- (1) A person must not make a statement the person knows is false to obtain a restricted drug from a person endorsed under this regulation to administer, dispense or sell the drug.

Maximum penalty—60 penalty units.

- (2) A person must not make a statement the person knows is false to obtain a prescription for a restricted drug from a prescriber.

Maximum penalty—60 penalty units.

- (3) A person must not make a statement the person knows is false about a prescription or purchase order for a restricted drug.

Maximum penalty—60 penalty units.

- (4) A person must not state a name or residential address the person knows is false to—

(a) a person who may administer, dispense, prescribe or sell a restricted drug; or

(b) an employee or agent of a person mentioned in paragraph (a) in the performance of the employment or agency.

Maximum penalty—60 penalty units.

## **219 Unsafe disposal or use of restricted drugs**

A person must not discharge, dispose of or use a restricted drug in a way that—

(a) endangers the life or safety of a person or domestic animal; or

(b) exposes food, drink or a condiment or another drug or a poison to the risk of contamination by the drug; or

(c) gives access to the restricted drug to someone not endorsed to possess it.

Maximum penalty—60 penalty units.

## **220 Advertising of restricted drugs**

- (1) A person must not advertise, or cause someone else to advertise, a substance that is or contains a restricted drug, whether or not the restricted drug is named in the advertisement.

Maximum penalty—60 penalty units.

- (2) However, subsection (1) does not apply to—

(a) an advertisement in a professional or trade journal; or

(b) a price list, advertisement or promotional material intended for circulation only to the wholesale drug trade

or the dental, medical, pharmaceutical or veterinary professions; or

- (c) a price list that complies with the document called 'Price Information Code of Practice', published by the department, as in force from time to time.<sup>48</sup>

## **220A Automatic machines—Act, s 106**

For section 106(2)<sup>49</sup> of the Act, the sale or supply of a restricted drug by means of an automatic machine or similar mechanical device is prohibited.

## **221 Safe keeping of restricted drugs**

A person must not carry, handle or store a restricted drug in a way that may allow the drug to mix with, or contaminate, food, drink or a condiment or a drug or poison for human or animal use even if the container in which the drug is carried, handled or stored breaks or leaks.

Maximum penalty—40 penalty units.

## **222 Keeping records**

A person who must, under this chapter, keep a record or other document about restricted drugs must—

- (a) ensure it is kept in good condition, as far as practicable; and
- (b) keep it for 2 years after the last entry that is made in it.

Maximum penalty—40 penalty units.

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48 A copy of this document may be obtained from the department's website at <[www.health.qld.gov.au](http://www.health.qld.gov.au)>.

49 Section 106 (Offences in relation to automatic machines) of the Act

## **Chapter 4            Poisons**

### **Part 1                Licences**

#### **Division 1            General**

##### **223    Application of pt 1**

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.

##### **224    Licence to state business premises and other particulars**

- (1)    A licence under this chapter applies only to the place stated in the licence as the licensee's business premises.
- (2)    The chief executive must not state more than 1 place in the licence as the licensee's business premises.
- (3)    For a poison manufacturer licence, the chief executive must also state in the licence the title of the position that is to have responsibility for supervising the manufacture of the poison or poisons at the premises.

#### **Division 2            Poison manufacturer licence**

##### **225    Restrictions on grant of poison manufacturer licence**

The chief executive may grant a poison manufacturer licence to a person only if the chief executive is reasonably satisfied—

- (a)    the person—

- (i) intends to carry on business as a poison manufacturer; and
- (ii) is a suitable person to manufacture and sell poisons; and
- (b) an individual who holds the position responsible for supervising the manufacture of the poison or poisons has the qualifications and experience necessary to effectively supervise the manufacture; and
- (c) the premises to be used for manufacturing the poison or poisons are suitable for the purpose.

**226 Poison manufacturer licence**

A poison manufacturer—

- (a) may manufacture an S2, S3 or S7 poison; and
- (b) is taken to hold a poison wholesaler licence for the poison.

**227 Offence to manufacture S2, S3 or S7 poisons without licence**

A person must not manufacture an S2, S3 or S7 poison unless the person—

- (a) holds a poison manufacturer licence for the poison; or
- (b) is a State analyst who manufactures the poison for the analyst's official duties; or
- (c) holds an endorsement under section 18(1)<sup>50</sup> to manufacture the poison.

Maximum penalty—60 penalty units.

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

## **Division 3                      Poison wholesaler licence**

### **228      Restrictions on grant of poison wholesaler licence**

The chief executive may grant a poison wholesaler licence to a person only if the chief executive is reasonably satisfied—

- (a) the person intends to carry on business as a poison wholesaler; and
- (b) the person is a suitable person to sell poisons; and
- (c) the premises to be used for wholesaling the poisons are suitable for the purpose.

### **229      Poison wholesaler licence**

- (1) A poison wholesaler may sell an S2, S3 or S7 poison by wholesale to—
  - (a) an authorised person; or
  - (b) someone in another State who may obtain the poison under the law of the other State.
- (2) Also, a poison wholesaler may sell an S2, S3 or S7 poison by wholesale to a person in another country who may lawfully obtain the poison in the other country.
- (3) Subsection (2) does not apply to a poison that is a prohibited export under the *Customs Act 1901* (Cwlth).

### **230      Offence to wholesale poisons without licence**

- (1) A person must not sell an S2, S3 or S7 poison by wholesale unless the person holds a poison manufacturer or poison wholesaler licence for the poison.

Maximum penalty—40 penalty units.

- (2) However, subsection (1) does not apply if the person sells the S2, S3 or S7 poison under—
  - (a) a restricted drug manufacturer licence; or
  - (b) a restricted drug wholesaler licence.

## **Division 4                    General poison licence**

### **231    Restrictions on grant of general poison licence**

The chief executive may grant a general poison licence to a person only if the chief executive is reasonably satisfied the person—

- (a) is a suitable person to sell the following poisons—
  - (i) S2 and S7 poisons;
  - (ii) S3 pseudoephedrine; and
- (b) intends to sell the poisons at a place more than 25km by road from a pharmacy.

### **232    General licence**

The holder of a general poison licence may sell—

- (a) S2 and S7 poisons; and
- (b) S3 pseudoephedrine.

## **Division 5                    Licence to sell S7 poisons for other than human therapeutic use**

### **233    Restriction on grant of licence to sell S7 poisons other than for human therapeutic use**

The chief executive may grant a licence to sell S7 poisons other than for human therapeutic use to a person only if the chief executive is reasonably satisfied the person is a suitable person to sell the poisons.

### **234    Licence to sell S7 poisons other than for human therapeutic use**

The holder of a licence to sell S7 poisons other than for human therapeutic use may sell an S7 poison.





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

### **236 Other restrictions on sale of poisons**

- (1) A licensee must not—
- (a) possess or sell a poison the person is licensed to sell at a place other than the person's business premises; or
  - (b) allow someone other than a competent adult employee of the person to sell a poison under the licence.

Maximum penalty—40 penalty units.

- (2) However, a licensee may sell a poison in a street or from place to place if the licensee has an approval to sell in a street or from place to place.

### **237 Records of certain transactions by poison manufacturers and wholesalers**

- (1) When a poison manufacturer or wholesaler sells an S2, S3 or S7 poison to a person, the manufacturer or wholesaler must give the person an invoice for the poison sold.

Maximum penalty—20 penalty units.

- (2) The manufacturer or wholesaler must ensure the invoice has a unique number and states—
- (a) the date of the sale; and
  - (b) the name and address of the person to whom the poison is sold; and

- (c) the name of the poison and the quantity or volume of it sold.

Maximum penalty—20 penalty units.

- (3) The manufacturer or wholesaler must keep a record of the details contained in an invoice for 2 years after the date of the invoice.

Maximum penalty—20 penalty units.

- (4) If the manufacturer or wholesaler has more than 1 licence and the manufacturer's or wholesaler's records are kept on a computer at the manufacturer's or wholesaler's central or main office, records for each licence must be kept at the relevant business premises.

Maximum penalty—20 penalty units.

## **Part 2                      Permits for cyanide and strychnine**

### **Division 1                Cyanide**

#### **238    Obtaining, possession or use of cyanide**

- (1) A person must not obtain, possess or use cyanide unless the person—
- (a) is endorsed, under this regulation, to obtain, possess or use cyanide; or
  - (b) holds a cyanide permit for the cyanide.

Maximum penalty—80 penalty units.

- (2) A person who possesses cyanide under a cyanide permit must not possess more cyanide than the maximum quantity stated in the permit.

Maximum penalty—80 penalty units.

- (3) Subsection (1)(b) does not apply to possession of cyanide by a person under section 239(5)(b).

### **238A Restriction on sale of cyanide**

- (1) A person must not—
- (a) sell cyanide to a person unless the person gives the seller a cyanide permit that is in force; or
  - (b) sell to a purchaser more cyanide, in total, than is stated in the permit.

Maximum penalty—60 penalty units.

- (2) However, subsection (1)(a) does not apply to a poison manufacturer or wholesaler who sells cyanide to another licensed seller of poisons or a pharmacist.

- (3) The seller must—
- (a) write on the front of the permit—
    - (i) the date the cyanide is sold; and
    - (ii) the quantity of cyanide sold; and
    - (iii) the seller's name and address; and
    - (iv) if the full amount of the cyanide stated in the permit has been sold—the word 'Cancelled'; and
  - (b) sign the permit; and
  - (c) return the permit to the permit holder.

Maximum penalty—40 penalty units.

- (4) Despite subsection (3)(a)(iv), the cancellation of the permit only relates to the permit holder's endorsement to obtain cyanide.

### **239 Requirements for cyanide obtained outside the State**

- (1) This section applies to a person who obtains cyanide from someone in another State.
- (2) Subsection (3) applies if the person has a cyanide permit for the cyanide before obtaining the cyanide.

- (3) The person must—
- (a) as soon as possible after obtaining the cyanide, attach to the cyanide permit a document evidencing acquisition of the cyanide; and
  - (b) ensure the document remains attached to the cyanide permit while the cyanide permit is in force.

Maximum penalty—40 penalty units.

- (4) Subsections (5) and (6) apply if the person—
- (a) does not have a cyanide permit for the cyanide before obtaining the cyanide; and
  - (b) has an interstate permit from the other State for the cyanide.

- (5) The person—
- (a) must apply for a cyanide permit for the cyanide as soon as possible after the cyanide comes into the person's possession in the State; and
  - (b) may only possess the cyanide without a cyanide permit for the time reasonably necessary to obtain a cyanide permit.

Maximum penalty—40 penalty units.

- (6) Also, the person must—
- (a) as soon as possible after receiving a cyanide permit, attach to it—
    - (i) the interstate permit for the cyanide; and
    - (ii) a document evidencing acquisition of the cyanide; and
  - (b) ensure the interstate permit and the document remain attached to the cyanide permit while the cyanide permit is in force.

Maximum penalty—40 penalty units.

- (7) In this section—

***interstate permit*** means a permit or other document issued under a law of another State, equivalent to a cyanide permit.

**240 Permit conditions**

- (1) The holder of a cyanide permit must keep the permit with the person while the person possesses cyanide.

Maximum penalty—20 penalty units.

- (2) Also, the holder of a cyanide permit—

- (a) must keep the cyanide locked in a secure place; and
- (b) must ensure the key to the place is always in the holder's possession or the possession of a responsible adult authorised by the holder; and
- (c) must not—
  - (i) leave cyanide in a place to which other people have access; or
  - (ii) use cyanide for a purpose not stated in the permit; or
  - (iii) store cyanide at a place not stated in the permit; or
  - (iv) possess cyanide after the permit expires.

Maximum penalty—40 penalty units.

**Division 2 Strychnine****240A Obtaining, possession or use of strychnine**

- (1) A person must not obtain, possess or use strychnine unless the person—
- (a) is endorsed, under this regulation, to obtain, possess or use strychnine; or
  - (b) holds a strychnine permit for the strychnine.

Maximum penalty—80 penalty units.

- (2) A person who possesses strychnine under a strychnine permit must not possess more strychnine than the maximum quantity stated in the permit.

Maximum penalty—80 penalty units.

- (3) Subsection (1)(b) does not apply to possession of strychnine by a person under section 241(5)(b).

### **240B Restriction on sale of strychnine**

- (1) A person must not—
- (a) sell strychnine to a person unless the person gives the seller a strychnine permit that is in force; or
  - (b) sell to a purchaser more strychnine, in total, than is stated in the permit.

Maximum penalty—60 penalty units.

- (2) However, subsection (1)(a) does not apply to a poison manufacturer or wholesaler who sells strychnine to another licensed seller of poisons or a pharmacist.

- (3) The seller must—
- (a) write on the front of the permit—
    - (i) the date the strychnine is sold; and
    - (ii) the quantity of strychnine sold; and
    - (iii) the seller's name and address; and
    - (iv) if the full amount of the strychnine stated in the permit has been sold—the word 'Cancelled'; and
  - (b) sign the permit; and
  - (c) return the permit to the permit holder.

Maximum penalty—40 penalty units.

- (4) Despite subsection (3)(a)(iv), the cancellation of the permit only relates to the permit holder's endorsement to obtain strychnine.

### **241 Requirements for strychnine obtained outside the State**

- (1) This section applies to a person who obtains strychnine from someone in another State.
- (2) Subsection (3) applies if the person has a strychnine permit for the strychnine before obtaining the strychnine.

- (3) The person must—
- (a) as soon as possible after obtaining the strychnine, attach to the strychnine permit a document evidencing acquisition of the strychnine; and
  - (b) ensure the document remains attached to the strychnine permit while the strychnine permit is in force.

Maximum penalty—40 penalty units.

- (4) Subsections (5) and (6) apply if the person—
- (a) does not have a strychnine permit for the strychnine before obtaining the strychnine; and
  - (b) has an interstate permit from the other State for the strychnine.

- (5) The person—
- (a) must apply for a strychnine permit as soon as possible after the strychnine comes into the person's possession in the State; and
  - (b) may only possess the strychnine without a strychnine permit for the time reasonably necessary to obtain a strychnine permit.

Maximum penalty—40 penalty units.

- (6) Also, the person must—
- (a) as soon as possible after receiving a strychnine permit, attach to it—
    - (i) the interstate permit for the strychnine; and
    - (ii) a document evidencing acquisition of the strychnine; and
  - (b) ensure the interstate permit and the document remain attached to the strychnine permit while the strychnine permit is in force.

Maximum penalty—40 penalty units.

- (7) In this section—
- interstate permit* means a permit or other document issued under a law of another State, equivalent to a strychnine permit.

**242 Permit conditions**

- (1) The holder of a strychnine permit must keep the permit with the person while the person possesses strychnine.

Maximum penalty—20 penalty units.

- (2) Also, the holder of a strychnine permit—
- (a) must keep the strychnine locked in a secure place; and
  - (b) must ensure the key to the place is always in the holder's possession or the possession of a responsible adult authorised by the holder; and
  - (c) must not—
    - (i) leave strychnine in a place to which other people have access; or
    - (ii) use strychnine for a purpose not stated in the permit; or
    - (iii) store strychnine at a place not stated in the permit; or
    - (iv) possess strychnine after the permit expires.

Maximum penalty—40 penalty units.

**Part 3 Endorsements****Division 1 Preliminary****243 Endorsement needed for S2, S3 or S7 poison**

- (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.

## **Division 2                    Particular endorsements**

### **245    Approved dispensers**

If the chief executive is reasonably satisfied a person who is employed as a pharmacist's assistant has had satisfactory training and experience in dispensing poisons, the chief executive may give the person an approval to do the following at a dispensary—

- (a) dispense an S2, S3 or S7 poison under a pharmacist's direction and personal supervision;
- (b) sell an S3 poison under a pharmacist's direction and personal supervision;
- (c) sell an S2 or S7 poison.

### **246    Bases and outposts of Royal Flying Doctor Service**

The person in charge of an outpost of the Royal Flying Doctor Service of Australia outpost may administer or supply an S2 or S3 poison at the outpost under a doctor's oral or written instruction.

**248 Dental hygienists**

- (1) To the extent necessary to perform a dental hygienist's functions under the *Dental Practitioners Registration Act 2001*, section 139A(2)(d)(i) or (ii),<sup>51</sup> a dental hygienist is authorised to administer fluorides that are S3 poisons and the following S2 poisons—
  - (a) fluorides in preparations for topical human therapeutic use;
  - (b) lignocaine when in preparations for topical human therapeutic use (other than eye drops) that contain not more than 10% lignocaine;
  - (c) silver salts.
- (2) Subsection (1) is subject to the *Dental Practitioners Registration Act 2001*, section 139A.

**248A Dental therapists**

- (1) To the extent necessary to perform a dental therapist's functions under the *Dental Practitioners Registration Act 2001*, section 139A(2)(d)(i) or (ii), a dental therapist is authorised to use fluorides that are S3 poisons and the following S2 poisons—
  - (a) ether;
  - (b) fluorides;
  - (c) lignocaine when in preparations for topical human therapeutic use (other than eye drops) that contain not more than 10% lignocaine;
  - (d) phenol.
- (2) Subsection (3) applies to a person (a *trainee*) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise as a dental therapist.
- (3) To the extent necessary to undergo the course of training, the trainee is authorised to use the following poisons—

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51 *Dental Practitioners Registration Act 2001*, section 139A (Restriction)

- (a) fluorides that are S3 poisons;
  - (b) the S2 poisons mentioned in subsection (1)(a) to (d).
- (4) Subsections (1) and (3) are subject to the *Dental Practitioners Registration Act 2001*, section 139A.

## **249 Dentists**

To the extent necessary to practise dentistry, a dentist is authorised to administer, prescribe or supply an S2 or S3 poison.

## **250 Detention centres**

- (1) A detention centre manager is authorised to issue an S2 or S3 poison to an authorised person who may administer or supply it for the treatment of a child detained at the detention centre.
- (2) A detention centre's director of nursing or medical superintendent, or the pharmacist in charge of a detention centre dispensary, is authorised to issue an S2 or S3 poison to an authorised person who may administer or supply it for the treatment of a child detained at the detention centre.

## **251 Doctors**

To the extent necessary to practise medicine, a doctor is authorised to—

- (a) administer, dispense, prescribe or supply an S2, S3 or S7 poison; or
- (b) give someone who may administer or supply an S2 or S3 poison an oral or written instruction to administer or supply the poison.

## **252 Enrolled nurses**

- (1) To the extent necessary to practise nursing, an enrolled nurse is authorised to administer an S2 or S3 poison under the supervision of a dentist, doctor, midwife or registered nurse.

- (2) Subsection (3) applies to a person (a *trainee*) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise as an enrolled nurse.
- (3) To the extent necessary to undergo the course of training, the trainee is authorised to administer an S2 or S3 poison under the personal supervision of a dentist, doctor, midwife or registered nurse.

### **252A Hospital pharmaceutical assistants**

To the extent necessary to perform the person's pharmaceutical impost duties in a hospital, a hospital pharmaceutical assistant acting under the supervision of a pharmacist in the hospital, is authorised to issue an S2 or S3 poison to an authorised person for treatment of the hospital's patients.

### **252B Indigenous health workers**

An indigenous health worker, while practising in an Aboriginal or Torres Strait Islander community in an isolated practice area in a specified health service district, is authorised to administer or supply an S2 or S3 poison under a drug therapy protocol.

### **253 Inspectors**

To the extent necessary to perform an inspector's official duties, an inspector is authorised to destroy a poison in an emergency or disaster situation.

### **254 Local governments**

A local government is authorised to—

- (a) sell under the Act an S7 poison for use for disinfection or weed or vermin destruction; or
- (b) sell sodium fluoride in a form containing a concentration of not more than 2.2mg of sodium fluoride in each dosage unit.

**255 Midwives**

- (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 the oral or written instruction of a doctor or nurse practitioner, to a person being discharged from the hospital or to an outpatient of the hospital.

**256 Optometrists**

- (1) To the extent necessary to practise optometry, an optometrist is authorised to administer an S2 poison.
- (2) Subsection (3) applies to a person (a *trainee*) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise optometry.
- (3) To the extent necessary to undergo the course of training, the trainee is authorised to administer an S2 poison under the personal supervision of an optometrist.

**256A Particular individuals who provide child care**

- (1) This section applies to an individual who is—
  - (a) a licensee of a child care service; or
  - (b) an adult carer in a child care service.
- (2) The individual is authorised to administer an S2 or S3 poison to a child, with the written consent of a parent or guardian of the child, at a child care centre, home or other place where child care is being provided in the course of the service.
- (3) In this section—

*guardian*, of a child, means any of the following persons—

  - (a) a person who is recognised in law as having all the duties, powers, responsibilities and authority relating to

the child that, by law, parents have relating to their children;<sup>52</sup>

- (b) a person in whose favour a parenting order is in force under the *Family Law Act 1975* (Cwlth);
- (c) a person who is entitled to the care and custody of the child under the *Adoption of Children Act 1964*.

**parent**, of a child, includes—

- (a) for any child—the spouse of a parent of the child; and
- (b) for an Aboriginal child—a person who, under Aboriginal tradition, is regarded as a parent of the child; and
- (c) for a Torres Strait Islander child—a person who, under Island custom, is regarded as a parent of the child; and
- (d) a carer of the child under the *Child Protection Act 1999*.

## **257 Pharmacists**

- (1) To the extent necessary to practise pharmacy, a pharmacist is authorised to dispense or sell (other than by wholesale) an S2, S3 or S7 poison at a dispensary.
- (2) A trainee pharmacist may—
  - (a) sell an S2 or S7 poison at a dispensary under a pharmacist's direction; or
  - (b) sell an S3 poison at a dispensary under a pharmacist's direction and personal supervision; or
  - (c) dispense an S2 or S3 poison at a dispensary under a pharmacist's direction and personal supervision.

## **258 Pharmacy assistants**

A competent adult employee of a pharmacist is authorised to sell an S2 or S7 poison at a dispensary.

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<sup>52</sup> See the *Family Law Act 1975* (Cwlth), part VII (Children), division 2 (Parental responsibility).

**259 Physiotherapists**

- (1) To the extent necessary to practise physiotherapy, a physiotherapist is authorised to administer an S2 poison.
- (2) Subsection (3) applies to a person (a *trainee*) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise physiotherapy.
- (3) To the extent necessary to undergo the course of training, the trainee is authorised to administer an S2 poison under the personal supervision of a physiotherapist.

**260 Podiatrists**

- (1) To the extent necessary to practise podiatry, a podiatrist is authorised to administer an S2 poison.
- (2) Subsection (3) applies to a person (a *trainee*) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise podiatry.
- (3) To the extent necessary to undergo the course of training, the trainee is authorised to administer an S2 poison under the personal supervision of a podiatrist.

**261 Prisons**

- (1) The general manager of a prison is authorised to issue an S2 or S3 poison to an authorised person who may administer or supply it for the treatment of a prisoner at the prison.
- (2) The director of nursing or medical superintendent of a prison, or the pharmacist in charge of a prison dispensary, is authorised to issue an S2 or S3 poison to an authorised person who may administer or supply it for the treatment of a prisoner at the prison.

**262 Queensland Ambulance Service**

To the extent necessary to perform ambulance duties for the Queensland Ambulance Service, an ambulance officer is authorised to administer an S2 or S3 poison under a clinical practice protocol approved by the Queensland Ambulance Service.

**263 Registered nurses**

- (1) To the extent necessary to practise nursing, a registered nurse is authorised to administer an S2 or S3 poison.
- (2) To the extent necessary to practise nursing in a rural hospital or an isolated practice area, a rural and isolated practice endorsed nurse is authorised to supply an S2 or S3 poison to or for a person requiring treatment at the rural hospital or in the isolated practice area.
- (3) To the extent necessary to practise nursing at a hospital within an isolated practice area, a registered nurse is authorised to supply an S2 or S3 poison, on the oral or written instruction of a doctor or nurse practitioner, to a person being discharged from the hospital or to an outpatient of the hospital.
- (4) To the extent necessary to practise nursing under a sexual health program, a registered nurse whose annual licence certificate is endorsed under the *Nursing Act 1992* for practice in a sexual health program is authorised to supply an S2 or S3 poison under a drug therapy protocol.
- (5) To the extent necessary to practise nursing, a nurse practitioner is authorised to—
  - (a) administer an S2 or S3 poison; or
  - (b) under a drug therapy protocol—
    - (i) supply an S2 or S3 poison; or
    - (ii) give a nurse, midwife or indigenous health worker an oral or written instruction to administer an S2 or S3 poison; or
    - (iii) give a registered nurse practising nursing at a hospital in an isolated practice area an oral or written instruction to supply an S2 or S3 poison to a person being discharged from the hospital or an outpatient of the hospital; or
    - (iv) give a pharmacist an oral or written instruction to supply an S2 or S3 poison; or
    - (v) prescribe an S2 or S3 poison.



**263A Certain registered nurses at rural hospitals**

- (1) To the extent necessary to practise nursing at a rural hospital, the following persons are authorised to supply an S2 or S3 poison, on the oral or written instruction of a doctor or nurse practitioner, to a person being discharged from the hospital or an outpatient of the hospital—
  - (a) the hospital's director of nursing;
  - (b) a registered nurse nominated by the hospital's director of nursing.
- (2) However, subsection (1) applies only if—
  - (a) the hospital does not employ a pharmacist; or
  - (b) if the hospital employs a pharmacist—the pharmacist is absent from the hospital at the time the poison is supplied.

**264A Ship's master**

Subject to section 270(2),<sup>53</sup> the master of a ship in the State is authorised to administer an S2 or S3 poison on the ship for the treatment of a person in an emergency.

**265 State analysts**

To the extent necessary to perform an analyst's official duties, a State analyst is authorised to—

- (a) manufacture an S2, S3 or S7 poison; or
- (b) use an S2, S3 or S7 poison or destroy it.

**265AA Trainees in certain occupations**

- (1) This section applies to a person (a *trainee*) who is undergoing a course of training, the successful completion of which will qualify the trainee to carry out a relevant occupation.
- (2) To the extent necessary to undergo the course of training, the trainee is authorised to administer an S2 or S3 poison under

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53 Section 270 (When endorsement is not needed)

the personal supervision of an authorised person carrying out the relevant occupation.

- (3) However, the trainee may only administer a poison under subsection (2), if—
  - (a) the authorised person is authorised under this regulation to administer the poison; and
  - (b) the trainee administers the poison under the conditions (if any) that would apply to the administration of the poison by the authorised person.
- (4) In this section—

*relevant occupation* means an occupation as a dentist, doctor, indigenous health worker, midwife, registered nurse or veterinary surgeon.

### **265A Universities**

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

### **265B Veterinary nurses**

- (1) 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.

- (2) Subsection (3) applies to a person (a *trainee*) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise as a veterinary nurse.
- (3) To the extent necessary to undergo the course of training, the trainee is authorised to administer an S2 or S3 poison to an animal—
  - (a) under the personal 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 dispensed medicine's container.

## **266 Veterinary surgeons**

To the extent necessary to practise veterinary medicine, a veterinary surgeon is authorised to administer, dispense, prescribe or sell an S2, S3 or S7 poison.

## **267 Watch-house keepers etc.**

To the extent necessary for ensuring a person held at a watch-house or police establishment receives an S2 or S3 poison lawfully prescribed or supplied for the person, the watch-house keeper, or the person performing the duties of watch-house keeper at a police establishment, is authorised to give the poison to the person for whom it was prescribed or supplied under the directions stated on the label attached to the poison's container.

## **267A Wholesale representatives**

A wholesale representative is authorised to display or give an S2 or S3 poison, as a sample, to a dentist, doctor or veterinary surgeon.

## Division 3                      General

### 268      Employees and other persons authorised

A competent adult acting for a person who is licensed under part 1 is authorised to sell an S2, S3 or S7 poison on the same conditions as apply to the licensed person.

### 270      When endorsement is not needed

- (1) A person (a *carer*) does not need an endorsement under this regulation to help another person (an *assisted person*) take an S2 or S3 poison that has been supplied for the assisted person, if—
  - (a) the assisted person asks for the carer's help to take the poison; and
  - (b) for an S2 poison—the carer helps the assisted person take the poison under the directions for use of the poison; or
  - (c) for an S3 poison—the carer helps the assisted person take the poison under the directions on the label attached to the poison's container.
- (2) Also, a person does not need an endorsement under this regulation to administer an S2 or S3 poison if the S2 or S3 poison is administered to a person on the ship on which the poison is kept under the *Navigation Act 1912* (Cwlth) or *Transport Operations (Marine Safety) Act 1994*.
- (3) A person does not need an endorsement under this regulation to administer potassium iodide in a product registered under the *Therapeutic Goods Act 1989* (Cwlth), if the person administers the product—
  - (a) for the treatment of a person in an emergency; and
  - (b) under the directions on the label attached to the product's container.



regulation, other than fluoroacetic acid or strychnine, that is registered by the Australian Pesticides and Veterinary Medicines Authority under the *Agricultural and Veterinary Chemicals Code Act 1994* (Cwlth) for use as a pesticide, for its registered purpose.

- (3) Also, subsection (1) does not apply to a person who manufactures, obtains, possesses, sells or uses cannabis sativa under—
  - (a) a licence issued under the *Drugs Misuse Act 1986*, section 49; or
  - (b) a regulation under section 48(1) of that Act.<sup>54</sup>
- (4) Subsection (1) does not apply to a health service employee or a public service employee employed in the department, who obtains or possesses a regulated poison to—
  - (a) give the poison to a member of the police service; or
  - (b) arrange, in a way authorised by the chief executive, for destruction of the poison.

## **272 Fluoroacetic acid in baits**

- (1) An authorised person under the *Land Protection (Pest and Stock Route Management) Act 2002* may give prepared baits containing not more than 0.03% fluoroacetic acid to another person (the *user*) to control declared pests under that Act.
- (2) The user may possess and use the baits only under the written conditions given to the user by the authorised person.
- (3) An adult employee of the user, or other adult authorised by the user as agent of the user, may also possess and use the baits under the written conditions.
- (4) The user must—
  - (a) comply with the written conditions; and

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<sup>54</sup> The *Drugs Misuse Act 1986*, section 49 (Categories of licences) or 48 (Authorisations for persons other than licensees)

- (b) ensure the user's employees or authorised agents comply with the written conditions.

Maximum penalty for subsection (4)—80 penalty units.

### **273 Prohibition on possession etc. of certain poisons**

A person must not dispense, obtain, possess, prescribe, sell or use the following poisons in preparations for external application for human therapeutic use—

- (a) tetrachlorosalicylanilide;
- (b) 5-bromo-4-chlorosalicylanilide;
- (c) fenticlor.

Maximum penalty—80 penalty units.

## **Part 5 Dispensing or selling poisons**

### **274 Dispensing or selling S2, S3 or S7 poisons**

- (1) A pharmacist must not dispense a poison on a prescription unless the poison dispensed—
  - (a) conforms with the prescription; or
  - (b) is dispensed under section 275.

Maximum penalty—40 penalty units.

- (2) Also, a pharmacist must not sell an S2 or S3 poison to a ship's master unless the pharmacist receives a purchase order for the poison signed by the ship's master.

Maximum penalty—40 penalty units.

- (3) Subsection (1) does not prevent a person delivering or handing a poison dispensed by a dispenser to a person for whose use the poison is prescribed or the person's agent.

**275 Dispensing generic poisons**

- (1) This section applies if a poison is specified in a prescription by a brand name (the *specified poison*) and the poison is also available under another brand name (the *generic poison*).
- (2) A dispenser may dispense the generic poison in place of the specified poison if—
  - (a) the poison is dispensed at a public sector hospital; or
  - (b) for a poison dispensed at a place other than a public sector hospital—
    - (i) the specified poison and the generic poison are both poisons to which a pharmaceutical benefit applies under the National Health Act; and
    - (ii) the prescriber did not indicate on the prescription that only the specified poison was to be dispensed; and
    - (iii) the schedule of pharmaceutical benefits, issued by the Commonwealth department within which the National Health Act is administered, states the specified poison and the generic poison are equivalent; and
    - (iv) a determination is in force for the generic poison under section 85(6)<sup>55</sup> of the National Health Act; and
    - (v) it is lawful to dispense the generic poison on prescription; and
    - (vi) the person to whom it is dispensed asks for, or agrees to, the dispensing of the generic poison in place of the specified poison.
- (3) If the poison dispensed is the generic poison, the dispenser must write the brand name of the generic poison on the front of the prescription and sign the prescription.

Maximum penalty—20 penalty units.

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55 Section 85 (Pharmaceutical benefits) of the National Health Act



**276 Labelling dispensed medicines**

- (1) A person who sells a poison as a dispensed medicine must securely attach to the medicine's container a label, as required by this section, with the following warnings printed on it—
- (a) 'Keep out of reach of children';
  - (b) if the prescriber is a veterinary surgeon—'For animal treatment only'.

Maximum penalty—20 penalty units.

- (2) The warnings must be printed in red on a background of contrasting colour and in bold-faced sans serif capital letters with a face depth of at least 1.5mm.
- (3) The label must also have written on it—
- (a) if the dispensed medicine is for human use—the name of the person for whose use it is intended; and
  - (b) if the dispensed medicine is for an animal—the name of the animal's owner; and
  - (c) the name and address of the person selling the dispensed medicine; and
  - (d) a description of the name of the dispensed medicine under subsection (4) or (5); and
  - (e) a description of the strength of, and the quantity or volume of, the dispensed medicine; and
  - (f) directions about the use of the medicine; and
  - (g) the date the medicine is dispensed; and
  - (h) the dispenser's initials; and
  - (i) if the medicine is for internal human therapeutic use and is a substance specified in appendix K<sup>56</sup> of the standard—
    - (i) 'This medication may cause drowsiness. If affected do not drive a vehicle or operate machinery. Avoid alcohol.'; or

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56 Appendix K (Drugs required to be labelled with a sedation warning) of the standard

- (ii) ‘This medication may cause drowsiness and may increase the effects of alcohol. If affected do not drive a motor vehicle or operate machinery.’; and
  - (j) if the medicine’s expiry date is not visible—the medicine’s expiry date.
- (4) The dispensed medicine must be described by—
  - (a) its approved name;<sup>57</sup> or
  - (b) the name the prescriber wrote on the prescription or, if a different brand of the medicine is dispensed, the name of the brand dispensed; or
  - (c) its trade name; or
  - (d) the approved name of each poison in the medicine; or
  - (e) the name of each poison in the medicine as written on the prescription.
- (5) Despite subsection (4), a doctor may state in a prescription that the contents of a dispensed medicine must be described in a particular way that is not a false description.

## **277 Sale of S3 poisons**

- (1) A pharmacist, a holder of a general poison licence, or a person who is approved to dispense a poison under a pharmacist’s direction and personal supervision, (the *seller*) must not sell an S3 poison unless the seller is reasonably satisfied—
  - (a) of the purchaser’s identity; and
  - (b) the purchaser has a therapeutic need for the poison.Maximum penalty—40 penalty units.
- (2) The seller must give the purchaser advice on the dosage, frequency of administration, general toxicity, adverse effects, contraindications and precautions to be observed in using the poison.  
Maximum penalty—40 penalty units.

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<sup>57</sup> For the definition *approved name* see part 1 of the standard.

- (2A) Subsection (2) does not apply if the seller sells the poison under a general poison licence.
- (3) The seller must securely attach to the container in which the poison is sold a label, as required by this section, with the following warnings printed on it—
- (a) ‘Keep out of the reach of children’;
  - (b) if the poison is for use for an animal—‘For animal treatment only’.
- Maximum penalty—40 penalty units.
- (4) The warnings must be printed in red bold-faced sans serif capital letters with a face depth of at least 1.5mm on a background of contrasting colour.
- (5) The label must also have written on it—
- (a) if the poison is for human use—the name of the person for whose treatment it is intended; and
  - (b) if the poison is for animal treatment—the name of the animal’s owner; and
  - (c) if the seller is a pharmacist or a person approved to dispense a poison under a pharmacist’s direction and personal supervision—the name and address of the dispensary at which the poison is dispensed; and
  - (d) if the seller is a holder of a general poison licence—the address of the place stated in the licence as the licensee’s business premises; and
  - (e) directions about the use of the poison; and
  - (f) the date the poison was sold.
- (6) The poison must be described by—
- (a) its approved name; or
  - (b) its trade name; or
  - (c) the approved name of each poison in the preparation.
- (7) Subsections (1)(b) and (2) to (6) do not apply to the sale of an S3 poison to a ship’s master for use for first aid on the ship.

**278 Restrictions on packs of organo-phosphorus compounds**

- (1) A person must not sell a liquid or emulsive preparation in a container containing less than 500mL of an S7 organo-phosphorus compound.

Maximum penalty—60 penalty units.

- (2) A person must not sell, in dry or powder form, a container of a preparation containing less than 750gm of an S7 organo-phosphorus compound.

Maximum penalty—60 penalty units.

**279 Restriction on paraquat preparations**

- (1) A person must not sell a preparation containing paraquat in a container of less than 5L of the preparation.

Maximum penalty—80 penalty units.

- (2) A person must not sell a liquid preparation that contains paraquat unless the preparation—

- (a) is coloured green or blue; and  
(b) contains sufficient stenching agent to produce an offensive odour.

Maximum penalty—80 penalty units.

**Part 6 Storage of poisons****284 Storage of poisons**

- (1) A person must not store a poison for sale within reach of children.

Maximum penalty—40 penalty units.

- (2) A person who sells an S2 or S3 poison by retail must store the poison in a place that is not accessible to the public.

Maximum penalty—40 penalty units.

- (3) A person who sells an S7 poison by retail must—



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- (ii) the name and quantity or volume of the poison sold;
  - (iii) the purpose for which the poison is required;
  - (iv) the purchaser's name and address;
  - (v) if the purchaser buys the poison in person—the purchaser's signature;
  - (vi) if the order for the poison was a telephone or written order—a note about the way the order was placed where the purchaser would sign the book or invoice if it was a personal sale; and
- (b) for a record of the sale made by giving the purchaser an invoice—keep a copy of the invoice.

Maximum penalty—20 penalty units.

- (2A) If the order for the S7 poison was a written order, the person selling the poison must keep the written order for 2 years from the day the person received it.

Maximum penalty—20 penalty units.

- (3) The person must not use the poisons sales book for another purpose.

Maximum penalty—20 penalty units.

**285A Record of sale of S3 pseudoephedrine**

- (1) A person who sells S3 pseudoephedrine to someone (the *purchaser*) by retail must, at the time of the sale, make a record of each of the following particulars for the sale—

- (a) the date of the sale;
- (b) the brand name and quantity of S3 pseudoephedrine sold;
- (c) the purchaser's name and address;
- (d) if the person asks the purchaser to give the person a document evidencing the purchaser's identity—the type of document given.

Maximum penalty—20 penalty units.

- (2) The record may be kept in the way the person considers appropriate, including, for example, in an electronic form.
- (3) The person must keep the record for at least 2 years after the date of the sale.

Maximum penalty—20 penalty units.

## Part 8                      General

### 286      Prohibition on dispensing or supplying poisons to child under 16

- (1) A person (the *supplier*) must not dispense or supply an S2, S3, S6 or S7 poison to a child under 16 years unless the supplier—
  - (a) is a doctor; or
  - (b) is a pharmacist acting on a prescription or a doctor's written instruction at a hospital.

Maximum penalty—40 penalty units.

- (2) A person (the *supplier*) must not supply an S2 or S3 poison to a child under 16 years unless the supplier is a doctor, registered nurse or veterinary surgeon who, under this chapter, may supply an S2 or S3 poison.

Maximum penalty—40 penalty units.

- (3) A registered nurse, other than a rural and isolated practice endorsed nurse, must not supply an S2 or S3 poison to a child under 16 years unless the nurse has a doctor's oral or written instruction to supply the poison to the child.

Maximum penalty—40 penalty units.

**287 False, misleading or incorrect entries**

A person must not make an entry in a book or other record required to be kept under this chapter that the person knows is a false, misleading or incomplete entry.

Maximum penalty—20 penalty units.

**288 Poisons for animals not to be dispensed etc. for human therapeutic use**

A person must not, without an approval, dispense, prescribe, sell or use for human therapeutic use, a poison labelled, manufactured, packed or prepared for use for animal treatment.

Maximum penalty—40 penalty units.

**289 Poisons for animals not to be administered to humans**

A person must not, without an approval, administer to himself, herself or someone else a poison labelled, manufactured, packed or prepared for use for animal treatment.

Maximum penalty—40 penalty units.

**290 Unsafe disposal of poisons**

- (1) A person must not discharge, place or otherwise dispose of a poison—
  - (a) in or on an alley, street, public land or public place; or
  - (b) in or on other land or premises or another place, without the permission of the owner or occupier of the land, premises or place; or
  - (c) into or on a channel, creek, dam, drain, river, road, street, watercourse or another body of water.
- (2) However, subsection (1) does not apply to—
  - (a) a person laying baits for pest destruction; or
  - (b) a person applying herbicides for the destruction of noxious weeds or unwanted vegetation; or



- (c) a local government applying insecticides for horticultural purposes; or
  - (d) a person applying insecticides to a creek, dam, river, watercourse or other body of water for the control or destruction of mosquitoes; or
  - (e) a person applying insecticides to an alley, lane, place, public place or public land, road or thoroughfare for the control or destruction of midges or mosquitoes.
- (3) However, subsection (2) applies only if a person doing an act mentioned in the subsection is doing it—
- (a) under a permit or approval granted by the chief executive or a local government; or
  - (b) under the *Land Protection (Pest and Stock Route Management) Act 2002*; or
  - (c) for a cane protection and productivity board—under the *Sugar Industry Act 1999*.
- (4) Despite subsection (2), a person must not discharge, place or otherwise dispose of a poison in a way that—
- (a) endangers the life or safety of a person or a domestic animal; or
  - (b) exposes food, drink or a condiment or another poison or a drug to the risk of contamination by the poison; or
  - (c) gives access to the poison to someone not endorsed to possess it.

Maximum penalty—40 penalty units.

## **291 Labels and containers**

- (1) A person must not change, cover, deface or remove a brand, declaration, label, mark or statement that is required under this chapter to be fixed to, or shown on, the container of a poison.

Maximum penalty—40 penalty units.

- (2) A person must not possess or sell a cracked or damaged package containing a poison.

Maximum penalty—40 penalty units.

- (3) If a person becomes aware that a package containing a poison is cracked or damaged, the person must immediately—
- (a) empty the contents of the package into a poison container labelled under this regulation; or
  - (b) if the contents are to be disposed of—dispose of them under any requirements of the local government for the area in which the person is located.

Maximum penalty—40 penalty units.

- (4) A person must not soak, wash or otherwise treat a bottle or container used, or of a type commonly used, to hold a poison, or that has a brand, mark or label on it stating that the bottle or container has been used to hold a poison, in a tank or receptacle used to soak, wash or treat bottles or other containers of a type commonly used to hold human or animal food or drink or a condiment.

Maximum penalty—40 penalty units.

## **292 Advertising of poisons**

- (1) A person must not advertise, or cause someone else to advertise, a substance that is or contains an S3 poison whether or not the poison is named in the advertisement.

Maximum penalty—40 penalty units.

- (2) Subsection (1) does not apply to—
- (a) an advertisement in a professional or trade journal; or
  - (b) a price list, advertisement or promotional material intended for circulation only in the dental, medical, pharmaceutical or veterinary professions or the wholesale poison trade; or
  - (c) an S3 poison that, under the standard, may be advertised; or

- (d) a price list that complies with the document called ‘Price Information Code of Practice’, published by the department, as in force from time to time.<sup>58</sup>
- (3) A person must not advertise, or cause someone else to advertise, an offer to obtain or sell an S2, S3 or S7 poison unless the person is endorsed under this regulation to sell the poison.  
Maximum penalty—40 penalty units.
- (4) A person must not refer to an S9 poison in an advertisement.  
Maximum penalty—40 penalty units.
- (5) Subsection (4) does not apply to a person who refers to cannabis sativa in an advertisement in connection with an activity authorised under the *Drugs Misuse Act 1986*, section 47 or 48(1).<sup>59</sup>

## **292A Automatic machines—Act, s 106**

For section 106(2)<sup>60</sup> of the Act, the sale or supply of an S2 or S3 poison by means of an automatic machine or similar mechanical device is prohibited.

## **293 Safe keeping of poisons**

- (1) A person must not store a poison within reach of children.  
Maximum penalty—40 penalty units.
- (2) A person must not carry, handle or store a poison in a way that may allow the poison to mix with, or contaminate, food, drink or a condiment or a drug or poison for human or animal use even if the container in which the poison is carried, stored or handled breaks or leaks.  
Maximum penalty—40 penalty units.

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58 A copy of this document may be obtained from the department’s website at <[www.health.qld.gov.au](http://www.health.qld.gov.au)>.

59 *Drugs Misuse Act 1986*, section 47 (Authorisations for licensees) or 48 (Authorisations for persons other than licensees)

60 Section 106 (Offences in relation to automatic machines) of the Act

**294 Embalming**

A person must not place arsenic or strychnine, or a substance or chemical compound containing arsenic or strychnine, on or in the body, or a part of the body, of a deceased person for embalming the body or part of the body.

Maximum penalty—60 penalty units.

**295 Hawking of poisons**

A person must not sell an S2, S3 or S7 poison in a street or from place to place unless the person has an approval to sell the poison in a street or from place to place.

Maximum penalty—40 penalty units.

**296 Samples of poisons**

A person must not distribute a sample of a poison in a street or from place to place.

Maximum penalty—40 penalty units.

**297 Colouring of grain baits**

A person must not sell or use, for pest destruction, a cereal, grain or meal containing a poison unless the cereal, grain or meal is coloured in a way certified by the chief executive.

Maximum penalty—40 penalty units.

**298 Vaporisers and other devices**

- (1) A person must not sell or use a device (other than an electrical or other heating device) that contains a poison for the destruction of insects, unless—
  - (a) the poison in the device is inaccessible to children and domestic animals; and
  - (b) the device is not a hazard to people in its vicinity; and

- (c) the device has been certified for use for insect destruction.

Maximum penalty—40 penalty units.

- (2) A person must not sell or use an electrical or other heating device for vaporising a poison unless the device—
  - (a) has a vapourisation rate of more than 1gm per day when fully charged with the poison; and
  - (b) is certified for the purpose by the chief executive.

Maximum penalty—40 penalty units.

### **299 Prohibition of sale of chalk etc. containing poison**

A person must not—

- (a) sell chalk, crayons, finger colours, pencils, poster paints, school pastels or show-card colours containing a poison; or
- (b) sell an artist's brush or pencil containing a poison in the outside lacquer of the brush or pencil.

Maximum penalty—40 penalty units.

### **300 Use of food or drink containers for poisons prohibited**

A person must not use, or allow to be used, a food or drink container to hold a poison.

Maximum penalty—40 penalty units.

### **301 Fireworks**

A person must not manufacture or sell fireworks containing arsenic.

Maximum penalty—20 penalty units.

### **302 Keeping records**

A person who, under this chapter, must keep a document or record of transactions in poisons must—

- (a) ensure it is kept in good condition, as far as practicable; and
  - (b) keep it for 2 years after the last entry that is made in it.
- Maximum penalty—20 penalty units.

## **Chapter 5            Miscellaneous**

### **Part 1                General**

#### **305    Language of documents**

- (1) A person who is required under this regulation to give, issue or keep a document must write the document in English.  
Maximum penalty—40 penalty units.
- (2) However, the person may also write the document in another language if it is reasonably necessary to ensure a person named in the document understands any instructions given in the document.

*Example—*

The instructions on a medicine dispensed for someone who does not speak English may be both in English and the language the person speaks.

#### **308    Attempts to commit offences**

- (1) A person who attempts to commit an offence against this regulation commits an offence.  
Maximum penalty—half the maximum penalty for committing the offence.
- (2) The Criminal Code, section 4,<sup>61</sup> applies to subsection (1).

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61 Criminal Code, section 4 (Attempts to commit offences)

## **Part 1A                      Optometrists Drug Authority    Committee**

### **Division 1                      Establishment and function**

#### **308A    Establishment**

The Optometrists Drug Authority Committee is established.

#### **308B    Function**

- (1) The function of the drug authority committee is to approve, publish and review the ocular therapeutics protocol.
- (2) In performing its function, the drug authority committee may consult with, or obtain advice from, the entities it considers appropriate.

### **Division 2                      Membership**

#### **308C    Membership**

- (1) The drug authority committee consists of—
  - (a) the chief health officer; and
  - (b) the following persons appointed by the Minister—
    - (i) 1 optometrist nominated by the Optometrists Board of Queensland;
    - (ii) 1 ophthalmologist nominated by the Royal Australian and New Zealand College of Ophthalmologists;
    - (iii) 1 medical practitioner nominated by the Royal Australian College of General Practitioners;
    - (iv) 1 clinical pharmacologist.
- (2) However, the drug authority committee consists of the persons mentioned in subsection (1)(a) and (b)(i) to (iii) if the Minister

reasonably considers a clinical pharmacologist is not available for appointment under subsection (1)(b)(iv).

- (3) Subsection (1)(b)(i) to (iii) applies subject to section 308D.
- (4) In this section—

***ophthalmologist*** means a person registered under the *Medical Practitioners Registration Act 2001* as a specialist registrant in the specialty of ophthalmology.

### **308D Nomination and appointment of particular members**

- (1) This section applies to the nomination of a person for membership of the drug authority committee by an entity under section 308C(1)(b).
- (2) The Minister must give the entity a written notice stating a reasonable period, of at least 21 days, within which it may nominate a person for membership.
- (3) If the entity does not nominate a person for membership of the drug authority committee within the period stated in the notice, the Minister may appoint a person who may be nominated by the entity under section 308C(1)(b) as a member of the committee in place of a nominee of the entity.
- (4) Before the Minister acts under subsection (3), the Minister must give the entity a written notice stating the Minister intends to appoint a person in place of a nominee of the entity unless it nominates a person for membership within a stated reasonable period, of at least 7 days, after receiving the notice.
- (5) A person appointed under subsection (3) is taken to have been nominated for membership by the entity under section 308C(1)(b).

### **308E Term of appointment**

An appointed member must be appointed for a term of not more than 3 years.



**308F Chairperson**

The chief health officer is the chairperson of the drug authority committee.

**308G Disqualification from membership**

- (1) A person can not become, or continue as, an appointed member if the person—
  - (a) has a conviction, other than a spent conviction, for an indictable offence; or
  - (b) is an insolvent under administration within the meaning of the Corporations Act, section 9.
- (2) Also, a person can not continue as an appointed member if—
  - (a) for a member nominated by an entity under section 308C(1)(b)—the member stops being a person who may be nominated by the entity under that paragraph; and
  - (b) for a member mentioned in section 308C(1)(b)(iv)—the member stops being a clinical pharmacologist.
- (3) In this section—

***indictable offence*** includes an indictable offence dealt with summarily, whether or not the Criminal Code, section 659<sup>62</sup> applies to the indictable offence.

***spent conviction*** means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11<sup>63</sup> of that Act.

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62 Criminal Code, section 659 (Effect of summary conviction for indictable offences)

63 *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 11 (Revival of convictions)

**308H Vacation of office**

- (1) The office of an appointed member becomes vacant if the member—
  - (a) resigns his or her office by signed notice of resignation given to the Minister; or
  - (b) can not continue as a member under section 308G; or
  - (c) is absent, without the permission of the drug authority committee, from 3 consecutive meetings of the committee of which proper notice has been given.
- (2) In this section—

*meeting* means—

  - (a) if the member does not attend—a meeting with a quorum present; or
  - (b) if the member attends—a meeting with or without a quorum present.

**308I When notice of resignation takes effect**

A notice of resignation mentioned in section 308H(1)(a) takes effect when the notice is given to the Minister or, if a later time is stated in the notice, the later time.

**308J Remuneration of member**

A member is entitled to be paid the fees and allowances decided by the Governor in Council.

**Division 3 Drug authority committee business****308K Conduct of business**

Subject to this division, the drug authority committee must conduct its business, including its meetings, in the way it considers appropriate.

**308L Quorum**

A quorum for the drug authority committee is 3 members.

**308M Conduct of meetings**

- (1) A question at a meeting of the drug authority committee is decided by a majority of the votes of the members present.
- (2) Each member present at a meeting of the drug authority committee has a vote on each question to be decided and, if the votes are equal, the chairperson has a casting vote.
- (3) A member present at a meeting of the drug authority committee who abstains from voting is taken to have voted for the negative.
- (4) The drug authority committee may hold meetings, or allow members to take part in its meetings, by using any technology that reasonably allows members to hear and take part in discussions as they happen.

*Example of use of technology—*

teleconferencing

- (5) A member who takes part in a meeting of the drug authority committee under subsection (4) is taken to be present at the meeting.
- (6) A resolution is validly made by the drug authority committee, even if it is not passed at a meeting of the committee, if—
  - (a) notice of the resolution is given under procedures approved by the committee; and
  - (b) a majority of the members gives written agreement to the resolution.

**308N Minutes**

The drug authority committee must keep minutes of its meetings.

## **Part 2 Transitional provisions**

### **Division 1 Transitional provisions for Health (Drugs and Poisons) Amendment Regulation (No. 1) 2000**

#### **309 Definition for div 1**

In this division—

*commencement* means the commencement of this section.

#### **310 Certain authorities continue**

- (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.

#### **311 How certain applications are to be considered**

- (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.

## **Division 2                      Transitional provision for Health (Drugs and Poisons) Amendment Regulation (No. 2) 2003**

### **312      Certain persons may operate a controlled drugs administration facility without an approval**

- (1) This section applies to a person who, immediately before the commencement, operated a facility that is, from the commencement, a controlled drugs administration facility.
- (2) Despite section 122A, the person may operate the facility without an operating approval for so long as it operates—
  - (a) continuously from the commencement; and
  - (b) at the place where it operated immediately before the commencement.
- (3) In this section—  
*commencement* means commencement of this section.

## **Division 3                      Transitional provision for Health (Drugs and Poisons) Amendment Regulation (No. 2) 2005**

### **313      Continuation of former ocular therapeutics protocol**

- (1) This section applies to a former ocular therapeutics protocol.
- (2) The former ocular therapeutics protocol is taken to be an ocular therapeutics protocol approved and published by the drug authority committee.
- (3) In this section—

*former ocular therapeutics protocol* means an ocular therapeutics protocol in force under this regulation immediately before the commencement of this section.

## **Appendix 1      Provisions not applying to morphine or opium in compounded preparations**

section 9

section 50 (Records of transactions to be kept by licensee)

section 84(3) (Dealing with prescriptions and certain written instructions)

section 86 (Record of transactions involving controlled drugs to be kept by pharmacist)

section 87 (Entries to be made in controlled drugs record)

section 89 (Authorised persons to obtain controlled drugs on purchase order)

section 90 (Sale of controlled drugs to authorised persons)

chapter 2, part 7 (Records of controlled drugs)

section 120 (Notice required if lengthy treatment with controlled drug)

section 123 (Self-administration of controlled drugs by authorised persons prohibited)

**Appendix 2      Application fees for licences**

section 17

	\$
Application for, or application for renewal of—	
(a) controlled drug manufacturer licence . . . . .	282.00
(b) restricted drug manufacturer licence . . . . .	282.00
(c) controlled drug wholesaler licence . . . . .	282.00
(d) restricted drug wholesaler licence . . . . .	282.00
(e) poison manufacturer licence . . . . .	138.50
(f) poison wholesaler licence . . . . .	138.50
(g) general poison licence . . . . .	77.00
(h) licence to sell S7 poisons for other than human therapeutic use . . . . .	53.50
(i) wholesale representative licence . . . . .	59.00



## **Appendix 2A      Drugs an ambulance officer may obtain, possess and administer**

sections 66 and 174

### **Part 1                      Controlled drugs**

	<b>Column 1</b>	<b>Column 2</b>
1	morphine	paramedic 3, paramedic 3 (ECP), paramedic 4

### **Part 2                      Restricted drugs**

	<b>Column 1</b>	<b>Column 2</b>
1AA	atropine	paramedic 3 (ECP), paramedic 4
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

## Appendix 2A (continued)

	<b>Column 1</b>	<b>Column 2</b>
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

## **Appendix 3      Who must sign certain purchase orders for controlled or restricted drugs**

sections 89(4) and 200(4)

### **Part 1                      Controlled drugs**

	<b>Column 1</b>	<b>Column 2</b>
1	ambulance officer	the commissioner of the Queensland Ambulance Service or the commissioner's delegate
2	controlled drug manufacturer or wholesaler	the licensee or an adult employee authorised by the licensee to sign purchase orders for controlled drugs
3	Royal Flying Doctor Service of Australia base or outpost in Queensland	the person in charge of the base or outpost
4	a ship in Queensland	if the ship's master is authorised to obtain the drug under section 69(1)—the ship's master; or if the ship's master is authorised to obtain the drug under section 69(2)—a doctor
5	person who has an endorsement under section 18(1)	the endorsed person or a competent adult authorised by the person to sign the order
6	a person who has an approval under chapter 2, part 3 (Regulated controlled drugs)	the person

## Appendix 3 (continued)

<b>Column 1</b>	<b>Column 2</b>
7 detention centre	<p>the detention centre's manager</p> <p>the detention centre's director of nursing, medical superintendent or registered nurse in charge</p> <p>the pharmacist in charge of the detention centre's dispensary</p>
8 hospital	<p>the hospital's medical superintendent</p> <p>the hospital's director of nursing</p> <p>the pharmacist in charge of the hospital's dispensary</p> <p>the hospital's registered nurse in charge</p>
9 nursing home	<p>the nursing home's director of nursing or medical superintendent</p> <p>the pharmacist in charge of the nursing home's dispensary</p> <p>the registered nurse in charge of the nursing home</p>
10 prison	<p>the prison's general manager</p> <p>the prison's director of nursing, medical superintendent or registered nurse in charge</p> <p>the pharmacist in charge of the prison's dispensary</p>

## Appendix 3 (continued)

**Part 2                      Restricted drugs**

	<b>Column 1</b>	<b>Column 2</b>
1	ambulance officer	the commissioner of the Queensland Ambulance Service or the commissioner's delegate
2	restricted drug manufacturer or wholesaler	the licensee or an adult employee authorised by the licensee to sign purchase orders for restricted drugs
3	Royal Flying Doctor Service of Australia base or outpost in Queensland	the person in charge of the base or outpost
4	a ship in Queensland	if the ship's master is authorised to obtain the drug under section 178(1)—the ship's master; or if the ship's master is authorised to obtain the drug under section 178(2)—a doctor
5	mine petroleum well petroleum field production facility petroleum pipeline transport facility	the person in charge on the site
6	person who has an endorsement under section 18(1)	the endorsed person or a competent adult authorised by the person to sign the order
7	person who has an approval under chapter 3, part 3 (Regulated restricted drugs)	the person
8	detention centre	the detention centre's manager the detention centre's director of nursing, medical superintendent or registered nurse in charge

## Appendix 3 (continued)

<b>Column 1</b>	<b>Column 2</b>
9 hospital	<p>the pharmacist in charge of the detention centre's dispensary</p> <p>the hospital's medical superintendent</p> <p>the hospital's director of nursing</p> <p>the pharmacist in charge of the hospital's dispensary</p> <p>the hospital's registered nurse in charge</p>
10 nursing home	<p>the nursing home's director of nursing or medical superintendent</p> <p>the pharmacist in charge of the nursing home's dispensary</p> <p>the registered nurse in charge of the nursing home</p>
11 prison	<p>the prison's general manager</p> <p>the prison's director of nursing, medical superintendent or registered nurse in charge</p> <p>the pharmacist in charge of the prison's dispensary</p>
12 optometrist	the person
13 podiatrist	the person
14 university	the university's vice-chancellor or a person to whom the vice-chancellor has delegated authority under section 179A(2)

## **Appendix 4      Computer generated prescriptions**

sections 79(6) and 190(4)

### **Part 1              Preliminary**

#### **1      Prescription form must be preprinted**

- (1) A computer generated prescription for a controlled or restricted drug must be generated on a preprinted form with the prescriber's name, address and contact telephone number printed on it.
- (2) However, if the prescriber practises his or her profession in association with another prescriber, the name, address and contact telephone number of the practice may be preprinted on the form.

#### **2      Only prescriber may generate prescription**

The computer program must allow only the prescriber to generate a computer generated prescription.

#### **4      Requirements on generation of prescription**

- (1) When a prescription is generated, the computer system used to generate it must cause the following to appear on the prescription form—
  - (a) a mark or line between each item on the form;
  - (b) the total number of items included on the form;
  - (c) a unique number that allows the prescription and the prescription record for the person, or the person's animal, for whom it is written to be matched;
  - (d) the particulars mentioned in section 79(4)(a) printed at the bottom of the form.

**Appendix 4 (continued)**

- (2) The area below the space for the prescriber's signature must be scored, hatched or marked in another way to prevent another item being written on the form below the prescriber's signature.

**Part 2                      Controlled drugs****5                      System messages**

The computer program must generate a message that tells the prescriber that the prescriber must write the particulars mentioned in section 79(4)(e) to (m) on the prescription form in ink.

**6                      Particulars in a prescription that a computer may generate**

The particulars mentioned in section 79(4)(b), (c) and (d) may, for a computer generated prescription for a controlled drug, be generated by the computer.

**Part 3                      Restricted drugs****7                      Particulars in a prescription that a computer may generate**

The particulars mentioned in section 190(2)(b) to (l) may, for a computer generated prescription for a restricted drug, be generated by the computer.



## **Appendix 5      Areas of local governments forming isolated practice areas**

appendix 9, definition *isolated practice area*

Aramac, Aurukun, Balonne, Bamaga, Barcaldine, Barcoo, Bauhinia, Belyando, Bendemere, Blackall, Booringa, Boulia, Bulloo, Bungil, Burke, Carpentaria, Cloncurry, Cook, Croydon, Dalrymple, Diamantina, Doomadgee, Duaringa, Eidsvold, Etheridge, Flinders, Herberton, Hopevale, Ilfracombe, Injinoo, Isisford, Jericho, Kowanyama, Lockhart River, Longreach, Mareeba, McKinlay, Mornington Island, Mount Isa, Murweh, Napranum, New Mapoon, Palm Island, Paroo, Peak Downs, Pormpuraaw, Quilpie, Richmond, Seisia, Tambo, Tara, Taroom, Torres, Umagico, Warroo, Winton, Woorabinda, Wujalwujal, Yarrabah.

## Appendix 6      **Minimum requirements for controlled drug receptacles**

sections 118(1)(a) and 119(1)(a)

### **Part 1                      Cabinets**

#### **1AA    Definition for pt 1**

In this part—

*cabinet* includes a safe that can be mounted to a wall but does not include an above-ground safe that is taken, under section 12, to be a secure place.

#### **1AB    Certain provisions not applicable to alarm cabinets**

- (1) Sections 1 to 4 do not apply to an alarm cabinet.
- (2) In this section—

*alarm cabinet* means a metal cabinet that is fitted with an alarm that is activated if a person attempting to open the door of the cabinet does not open it in a particular way, including, for example, by using a combination.

#### **1            Body requirements**

- (1) The body of a cabinet must be constructed of a single layer of mild steel plate at least 10mm thick and with continuous welding of all joints.
- (2) The cabinet body must—
  - (a) incorporate—
    - (i) a full length steel lock keeper bar welded to the inside of the cabinet on the lock side; and
    - (ii) a full length steel bar welded to the inside of the cabinet on the hinge side that acts as a tamper-proof recess for a dog bar; and

**Appendix 6 (continued)**

- (b) have, for installation—
  - (i) 4 suitably sized holes in the back plate; or
  - (ii) 2 suitably sized holes in the back plate and 2 suitably sized holes in the base of the cabinet.

**2 Door requirements**

- (1) The door of a cabinet must be constructed of mild steel plate at least 10mm thick.
- (2) When the cabinet door is closed, the door must—
  - (a) fit flush with the body of the cabinet; and
  - (b) have a clearance around the door of not more than 1.5mm.
- (3) The cabinet door must incorporate—
  - (a) hardened steel plate, at the site of attachment of the lock, of an area that protects all parts of the lock from drilling; and
  - (b) a solid, full length dog bar, down the inside of the door on the hinge side, that recesses behind the bar mentioned in section 1(2)(a)(ii).

**3 Lock requirements**

- (1) A cabinet lock must be—
  - (a) a 6-lever pick-proof lock; or
  - (b) a lock mechanism of a level of security equal to, or greater than a 6-lever pick-proof lock; or
  - (c) a tamper-proof combination lock of, or at least equivalent to, the ‘Sergeant & Greenleaf’ type.
- (2) The cabinet lock must—
  - (a) be continuous welded to the inside face of the door; and
  - (b) incorporate a steel saddle around the lock, welded to the inside face of the door; and

### Appendix 6 (continued)

- (c) be fitted with a steel guard around the bolt of the lock, welded to the inside face of the door.

#### **4 Hinge requirements**

The hinges on the door of a cabinet must be—

- (a) constructed of heavy duty steel; and
- (b) continuous welded to the door and the body of the receptacle; and
- (c) tamper-proof; and
- (d) concealed on the inside of the cabinet if possible.

#### **5 Mounting requirements**

- (1) The cabinet must be mounted by 1 of the methods mentioned in sections 6, 7, 8 and 9.
- (2) The methods are called, in order, type 1, 2, 3 and 4 mountings.
- (3) The chief executive may certify another way of mounting that is of equal or greater security.

#### **6 Type 1 mounting**

- (1) For type 1 mounting, a cabinet must be mounted to a concrete, brick or timber wall by 4 bolts made from heavy duty galvanised steel or equivalent quality bolts, of at least 12mm diameter, that are passed through the wall and fastened inside the rear of the cabinet by steel ‘cyclone’ type washers and suitable nuts.
- (2) However, for a timber wall, the bolts must pass through studs or noggings in the wall.

#### **7 Type 2 mounting**

- (1) If type 1 mounting is not appropriate, a cabinet must be fixed to a concrete or brick wall by 4 dynabolts or other similar expanding type bolts.

**Appendix 6 (continued)**

- (2) The bolts must—
  - (a) be heavy duty galvanised steel bolts, or an equivalent quality bolt, of at least 12mm diameter; and
  - (b) be fixed as far into the concrete or brickwork as is practicable.

**8 Type 3 mounting**

- (1) If the wall is of timber construction but the floor is of brick or concrete, the cabinet must, if possible, be mounted—
  - (a) to the floor—by 2 dynabolts or other similar expanding type bolts; and
  - (b) to the wall—by 4 coach screws into the studs or noggings in the wall.
- (2) The bolts must be of at least 12mm diameter and the screws must be of at least 12.5mm diameter.

**9 Type 4 mounting**

- (1) If there is no brick or concrete floor or wall to which a cabinet may be mounted—
  - (a) but there is a wall and a floor to which the cabinet may be mounted—the cabinet must be mounted by 4 coach screws into the studs or noggings of 1 wall and 2 coach screws through the base of the cabinet into the framework of the floor; or
  - (b) but there are 2 walls to which the cabinet may be mounted—the cabinet must be mounted by 4 coach screws into the studs or noggings of the rear wall and 2 coach screws through the side of the cabinet into the studs or noggings of the second wall.
- (2) The screws must be of at least 12.5mm diameter.

## Appendix 6 (continued)

**Part 2                      In-floor safes****10      Application of part**

- (1) If an in-floor safe has a door system similar to that described in part 1, the door, lock and hinge must comply with sections 2, 3 and 4.
- (2) If subsection (1) does not apply, the safe must comply with section 11.

**11      In-floor safe**

An in-floor safe must—

- (a) have a body constructed—
  - (i) of mild steel plate that is continuously welded to prevent moisture penetration; and
  - (ii) in a way that incorporates protective recesses on the locking and non-locking sides that accommodate lock bolts and dog bars when the safe is closed; and
- (b) have—
  - (i) a 6-lever pick-proof lock; or
  - (ii) a lock mechanism that gives a level of security equal to, or greater than a 6-lever pick-proof lock; or
  - (iii) a tamper-proof combination lock; and
- (c) be embedded in reinforced concrete at least 100mm thick.

## Appendix 6 (continued)

**Part 3                      Above-ground safes****12            Certain safes taken to be a secure place**

- (1) An above-ground safe with the space between the inner and outer shell filled with concrete or another material that gives equal or better security than concrete, and weighing at least 305kg, is taken to be a secure place if—
  - (a) the safe door complies with section 14; and
  - (b) the safe lock complies with section 15.
- (2) An above-ground safe weighing less than 305kg is taken to be a secure place only if it complies with this part.

**13            Body of safe**

- (1) The body of an above-ground safe must—
  - (a) have at least 2 anchoring holes in its base, of a diameter large enough to firmly accommodate 12mm bolts; and
  - (b) incorporate recesses provided by welded steel bars down both sides inside the safe to give protection to lock bolts and dog bars when the safe is closed.
- (2) The space between the inner and outer shell of the safe must be filled with concrete or another material that gives equal or better security than concrete.

**14            Safe door**

The door of an above-ground safe must—

- (a) be constructed of steel plate at least 10mm thick; and
- (b) be fitted with dog bars or lock bars on the inside of the door, and tamper-proof steel hinges continuously welded to the door and the body of the safe.

**Appendix 6 (continued)****15 Safe lock**

The lock of an above-ground safe—

- (a) must be—
  - (i) a 6-lever pick-proof lock; or
  - (ii) a lock mechanism that gives a level of security equal to, or greater than a 6-lever pick-proof lock; or
  - (iii) a tamper-proof combination lock of, or equivalent to, the ‘Sergeant and Greenleaf’ type; and
- (b) must be fitted with a steel saddle, continuously welded to the door, covering the lock mechanism.

**16 Anchoring**

- (1) An above-ground safe must have a facility for anchoring it flush to the floor of a building.
- (2) If the safe has legs, the legs must be removed before the safe is installed.
- (3) The safe must be installed with its back and at least 1 side flush with, or as close as possible to, the walls of the building.
- (4) If the floor is a concrete or brick floor, the safe must be anchored by at least 2 dynabolts or other similar expanding type bolts of at least 12mm diameter.
- (5) If the floor is a timber floor, the safe must be anchored by cup-head bolts of at least 12mm diameter, penetrating through the timber framework of the floor, steel cyclone type washers measuring 50mm x 50mm, and appropriate nuts located inside the safe.
- (6) If it is not possible to comply with subsection (4) or (5), the safe must be anchored to a timber floor by at least 2 coach screws of at least 12.5mm diameter secured into the timber framework of the floor.



## Appendix 7      Regulated poisons

appendix 9, definition *regulated poison*

- 1 The following S7 poisons—
  - azocyclotin
  - cyhexatin
  - demeton
  - 4,4 diaminodiphenylmethane (methyl dianiline)
  - dimetilan
  - ethylene dibromide
  - 4,4'-methylenebis [2-chloroaniline]
  - mirex
  - phosphides, metallic
  - S,S,S-tributylphosphorotrithioate.
- 2 The following S7 poisons (other than for use for analytical or research purposes)—
  - abamectin
  - alachlor
  - chlordecone
  - 1,3-dichloropropene.
- 3 The following S7 poisons (other than for use for industrial or manufacturing purposes or for analytical or research purposes)—
  - acrolein
  - allyl alcohol
  - bifluoride
  - ethylene oxide
  - HCB
  - hydrofluoric acid

## Appendix 7 (continued)

- hydrosilicofluoric acid
  - methyl bromide
  - nicotine
  - ortho-tolidine
  - propylene oxide
  - tetrachloroethane
  - vinyl chloride.
- 4 The following S7 poisons (other than for use for industrial or manufacturing purposes or for analytical or research purposes)—
- acrylonitrile
  - 4-aminopyridine
  - arsenic
  - benzene
  - bromine (other than for use for water treatment and treatment of water in swimming pools and spas)
  - brucine
  - captafol
  - carbon tetrachloride
  - chlorine (other than for use for water treatment and treatment of water in swimming pools and spas)
  - chloropicrin
  - N, N-dimethyl-4-(phenylazo)-benzenamine
  - dinitrocresol
  - dinitrophenol
  - dinoseb
  - folpet
  - hydrocyanic acid and cyanide
  - maduramicin

## Appendix 7 (continued)

- mercury
  - methacrifos
  - phosphorus
  - strychnine
  - 2, 2', 6, 6'-tetrakisopropyl-diphenyl-carbodiimide (stabaxol)
  - trichloroisocyanuric acid.
- 5 The following S7 poisons (other than for use for analytical or research purposes)—
- arprinocid
  - carbadox
  - chlordimeform
  - chloromethiuron
  - 4-chloro-o-toluidine
  - 1,2-dibromo-3-chloropropane
  - etaconazole
  - halogenated dibenzodioxins (other than as a contaminant in proportions not greater than a proportion fixed by the chief executive)
  - halogenated dibenzofurans (other than as a contaminant in proportions not greater than a proportion fixed by the chief executive)
  - nitrofen
  - pyrinuron.
- 6 The following S7 poisons (other than for use for industrial or manufacturing purposes)—
- brodifacoum
  - bromadioline
  - calciferol
  - cholecalciferol

## Appendix 7 (continued)

- coumatetralyl
  - difenacoum
  - epichlorohydrin
  - halofuginone
  - methoxyethylmercuric acetate
  - methoxyethylmercuric chloride
  - phenylmercuric acetate
  - sulcofuron.
- 7 The following S7 poisons (other than for use by an authorised person under the *Land Protection (Pest and Stock Route Management) Act 2002*)—
- fluoroacetamide
  - fluoroacetic acid (other than for use in prepared baits containing 0.03% or less of fluoroacetic acid)
  - thallium or a preparation or admixture of thallium (other than in prepared baits containing 0.25% or less of thallium).
- 8 An S9 poison.
- 9 A poison included in appendix C of the standard.

## **Appendix 8      Restricted drugs of dependency**

appendix 9, definition *restricted drug of dependency*

acetyldihydrocodeine

adiphenine

alprazolam

amyl nitrite

amylobarbitone

barbiturates, other than barbiturates individually listed in this appendix

benzhexol

benzodiazepines, other than barbiturates individually listed in this appendix

bromazepam

chloral hydrate

chlordiazepoxide

clobazam

clonazepam

clorazepate

codeine

dexfenfluramine

dextromethorphan

dextropropoxyphene

dextrorphan

diazepam

diethylpropion

dihydrocodeine

ephedrine

## Appendix 8 (continued)

ethylmorphine  
fenfluramine  
ketamine  
lorazepam  
mazindol  
medazepam  
meprobamate  
midazolam  
nitrazepam  
oxazepam  
pentobarbitone  
phentermine  
propylhexedrine  
temazepam  
triazolam  
zolazepam

## **Appendix 8A Rural hospitals**

appendix 9, definition *rural hospital*

Atherton, Ayr, Babinda, Baralaba, Barcaldine, Beaudesert, Biggenden, Biloela, Blackall, Blackwater, Boonah, Bowen, Capella, Charleville, Charters Towers, Cherbourg, Childers, Chinchilla, Clermont, Collinsville, Cooktown, Cracow, Cunnamulla, Dalby, Dingo, Dunwich, Dysart, Eidsvold, Emerald, Emu Park, Esk, Gatton, Gayndah, Gin Gin, Goondiwindi, Gordonvale, Gympie, Hervey Bay, Home Hill, Hughenden, Ingham, Inglewood, Injune, Innisfail, Jandowae, Kilcoy, Kingaroy, Laidley, Longreach, Magnetic Island, Malanda, Many Peaks, Mareeba, Maryborough, Miles, Millaa Millaa, Millmerran, Mitchell, Monto, Moranbah, Mossman, Mount Perry, Moura, Mt Morgan, Mundubbera, Murgon, Nanango, Oakey, Proserpine, Proston, Quilpie, Ravenshoe, Richmond, Roma, Sapphire, Sarina, Springsure, St George, Stanthorpe, Tara, Taroom, Texas, Theodore, Thursday Island, Tully, Wandoan, Warwick, Weipa, Winton, Wondai, Yeppoon.

## Appendix 9      Dictionary

### section 3

***administer***, for a controlled or restricted drug or a poison, means give a person a single treatment dose of the drug or poison, to be taken by the person immediately.

***ambulance officer*** see the *Ambulance Service Act 1991*.

***appointed member*** means a person appointed as a member of the drug authority committee under section 308C(1)(b) or 308D(3).

***approval*** means an approval given by the chief executive under this regulation, for a person to do a thing.

***approved electronic form*** means an electronic form approved by the chief executive.

***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



**Appendix 9 (continued)**

***business premises***, of a licensee or holder of an endorsement, means the premises stated in the relevant licence or endorsement under chapter 2, 3 or 4 as the business premises of the licensee or endorsement holder.

***cabinet***, for appendix 6, part 1, see appendix 6, section 1AA.

***carer***, for sections 235 and 256A, see the *Child Care Act 2002*, section 56.

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

***child care service***, for sections 235 and 256A, see the *Child Care Act 2002*, section 5.

***class***, of a controlled or restricted drug or poison, means controlled or restricted drugs or poisons of the same nominal description.

***clinical pharmacologist*** means a person registered under the *Medical Practitioners Registration Act 2001* as a specialist registrant in the specialty of clinical pharmacology.

***compounded***, for a substance combined with a therapeutically active substance, means the way the substances are combined prevents their separation by simple dissolution or in another simple physical way.

***controlled drug*** means an S8 substance.

***controlled drug manufacturer*** means a person who holds a controlled drug manufacturer licence.<sup>64</sup>

***controlled drugs administration facility*** means a facility of which the primary purpose is administering controlled drugs under a drug therapy protocol.

***controlled drugs record*** see section 86.

***controlled drugs register*** see section 50.

***controlled drug wholesaler*** means a person who holds a controlled drug wholesaler licence.<sup>65</sup>

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<sup>64</sup> Controlled drug manufacturer licences are granted under chapter 2 (Controlled drugs).

## Appendix 9 (continued)

**conviction** includes a plea of guilty or finding of guilt by a court even though a conviction is not recorded.

**criminal history** of a person means the person's criminal record within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

**cyanide**, for chapter 4, part 2, means cyanide of potassium or sodium, and any other inorganic salt of hydrocyanic acid that is a poison, but does not include ferricyanide salts and ferrocyanide salts.

**cyanide permit** means a permit granted by the chief executive under this regulation for a person to obtain, possess or use cyanide.

**dental hygienist** means a person registered under the *Dental Practitioners Registration Act 2001* as a dental auxiliary registrant in the category of dental hygiene.

**dental therapist** means a person registered under the *Dental Practitioners Registration Act 2001* as a dental auxiliary registrant in the category of dental therapy.

**dentist** means a person registered under the *Dental Practitioners Registration Act 2001*, other than a person registered as a dental auxiliary registrant.

**detention centre** means a detention centre under the *Juvenile Justice Act 1992*.

**dispensary** see the *Health Regulation 1996*.

**dispense** means sell on prescription.

**dispensed medicine** means a medicine that is or contains a controlled or restricted drug or a poison and is—

- (a) supplied for human therapeutic use by a registered nurse or midwife who may supply the medicine while practising nursing or midwifery; or
- (b) supplied for human therapeutic use by a doctor who may supply the medicine while practising medicine; or

## Appendix 9 (continued)

- (ba) supplied for human therapeutic use by an optometrist who may supply the medicine while practising optometry; or
- (c) supplied for animal use by a veterinary surgeon who may supply the medicine while practising veterinary medicine; or
- (d) dispensed for human therapeutic use or animal use; or
- (e) prepared for dispensing, for human or animal use, by a pharmacist.

***dispenser*** means a person who may dispense a controlled or restricted drug or a poison.

***drug authority committee*** means the Optometrists Drug Authority Committee established under section 308A.

***drug licence*** means—

- (a) a controlled drug manufacturer licence; or
- (b) a controlled drug wholesaler licence; or
- (c) a restricted drug manufacturer licence; or
- (d) a restricted drug wholesaler licence.

***drug therapy protocol*** means a document certified by the chief executive and published by the department stating circumstances in which, and conditions under which, a person who may act under the protocol may use a stated controlled or restricted drug or poison for stated purposes.

***ECP area*** means an area of the State classified as an ECP<sup>66</sup> area by the Queensland Ambulance Service.

***electronic communication*** means a communication of information in the form of data or text by guided or unguided electromagnetic energy.

***electronic means***, in relation to sending a document, means sending the document—

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<sup>66</sup> *ECP* is an acronym used by the Queensland Ambulance Service for *extended care program*.

## Appendix 9 (continued)

- (a) embodied in a computer disk from which the document can be reproduced; or
- (b) by an electronic communication.

**endorsement** means any of the following—

- (a) an authority;
- (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.

**enrolled nurse** see the *Nursing Act 1992*, section 4.

**expiry day** see section 19.

**hospital** means a public sector hospital or private hospital.

**hospital pharmaceutical assistant** means an adult person who—

- (a) has a qualification or statement of attainment issued under the *Vocational Education, Training and Employment Act 2000* by a registered training organisation, recognising the person has the skills and knowledge required to perform pharmaceutical impost duties in a hospital; and
- (b) performs pharmaceutical impost duties in a hospital.

**immunisation program** means—

- (a) an immunisation program carried out by a district health service; or
- (b) an immunisation program carried out by a local government; or
- (c) a certified immunisation program.

**indigenous health worker** means a person who—

**Appendix 9 (continued)**

- (a) holds a Diploma of Health Science ATSI Primary Health Care (Generalist) ASF 5 from a college of technical and further education or a certified equivalent qualification; and
- (b) has successfully completed the North Queensland Rural Health Training Unit Isolated Practice *Health (Drugs and Poisons) Regulation 1996* Course or a certified equivalent course of training for the accreditation of registered nurses for practice in an isolated practice area.

***inspector*** means an inspector appointed under section 137<sup>67</sup> of the Act.

***institution*** means a detention centre, hospital, nursing home or prison.

***isolated practice area*** means—

- (aa) a place that is at Cow Bay, Marpuna or Weipa; or
- (a) a place that is—
  - (i) within the area of a local government mentioned in appendix 5; and
  - (ii) remote from pharmaceutical services; or
- (b) a clinic conducted by the Royal Flying Doctor Service (Qld section) in an area isolated from medical, pharmaceutical and hospital services; or
- (c) a plane operated by the Royal Flying Doctor Service (Qld section).

***issue***, a controlled drug, restricted drug or poison, means give the drug or poison to a person who is endorsed under this regulation to administer the drug or poison to another person.

***licensee*** means—

- (a) for chapter 2—
  - (i) a controlled drug manufacturer; or

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67 Section 137 (Appointment and qualifications) of the Act

**Appendix 9 (continued)**

- (ii) a controlled drug wholesaler; or
- (b) for chapter 3—
  - (i) a restricted drug manufacturer; or
  - (ii) a restricted drug wholesaler; or
- (c) for chapter 4—
  - (i) a poison manufacturer; or
  - (ii) a poison wholesaler; or
  - (iii) a person who holds a poison wholesaler licence; or
  - (iv) a person who holds a general poison licence; or
  - (v) a person who holds a licence to sell S7 poisons for other than human therapeutic use.

***licensee of a child care service***, for sections 235 and 256A, means a person who holds a licence to conduct a child care service under the *Child Care Act 2002*.

***manufacture*** see section 4.

***master***, of a ship, see the *Transport Operations (Marine Safety) Act 1994*.

***midwife*** see the *Nursing Act 1992*, section 4.

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

***National Health Act*** means the *National Health Act 1953* (Cwlth).

***nominal description***, of a controlled or restricted drug, means the details necessary to describe the drug, including details of its composition, form, quality and strength, and distinguish it from a controlled or restricted drug of a different description.

***nurse*** means a registered nurse or enrolled nurse.

***nurse practitioner*** means a registered nurse whose annual licence certificate is endorsed under the *Nursing Act 1992* to show an authorisation to practise as a nurse practitioner.

## Appendix 9 (continued)

**nursing home** means a nursing home licensed under the Act.<sup>68</sup>

**obtain**, for a controlled or restricted drug or a poison, means acquire, buy, receive or otherwise obtain the drug or poison, and for a doctor, pharmacist or veterinary surgeon, includes offer to acquire, buy, receive or otherwise obtain.

**ocular therapeutics protocol** means a document approved and published by the drug authority committee stating—

- (a) the circumstances in which, and conditions under which, an optometrist may administer, supply or prescribe a restricted drug; and
- (b) the qualifications that an optometrist must attain before doing a thing mentioned in paragraph (a).

**operating approval** means an approval granted by the chief executive to a person to establish and operate a controlled drugs administration facility.

**opium** means any form of opium, other than the alkaloids noscapine and papaverine.

**optometrist** means a person registered under the *Optometrists Registration Act 2001*.

**outpost**, of the Royal Flying Doctor Service of Australia, means a medicine chest kept at a place approved by a doctor authorised in writing by the service to approve the keeping of the medicine chest.

**owner**, of a ship, see the *Transport Operations (Marine Safety) Act 1994*.

**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—

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68 Nursing homes are licensed under part 3, division 5 of the Act.

## Appendix 9 (continued)

- (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.

**pharmaceutical imprest duties** means duties related to keeping an inventory of drugs obtained for use at a hospital or issued for treatment of the hospital's patients.

**pharmacist** means a person registered under the *Pharmacists Registration Act 2001*.

**podiatrist** means a person registered under the *Podiatrists Registration Act 2001*.

**poison** means—

- (a) an S2, S3, S5, S6, S7 or S9 substance; or
- (b) a substance mentioned in appendix C of the standard.

**poison licence** means—

- (a) a poison manufacturer licence; or
- (b) a poison wholesaler licence; or
- (c) a general poison licence; or
- (d) a licence to sell S7 poisons for other than human therapeutic use.



## Appendix 9 (continued)

***poison manufacturer*** means a person who holds a poison manufacturer licence.<sup>69</sup>

***poison wholesaler*** means a person who holds a poison wholesaler licence.<sup>70</sup>

***possess***, a controlled drug, restricted drug, poison or other substance, includes—

- (a) have custody or control of the drug, poison or other substance; and
- (b) have an ability or right to obtain custody or control of the drug, poison or other substance.

***prescribe*** means make a written direction (other than a purchase order or written instruction) authorising a dispenser to dispense a stated controlled or restricted drug or a stated poison.

***prescriber*** means a person who, under this regulation, is endorsed to prescribe a controlled or restricted drug or a poison.

***prescription*** means a prescriber's direction (other than a purchase order or written instruction) to dispense a stated controlled or restricted drug or a stated poison, and includes, for sections 79, 80, 81, 190, 191 and 192 a duplicate of a prescription attached to a repeat authorisation, under the National Health Act, issued by a dispenser.

***prison*** see the *Corrective Services Act 2000*, schedule 3.<sup>71</sup>

***produce***, a controlled or restricted drug or a poison, means—

- (a) cultivate, package, prepare or produce a substance; or
- (b) offer to cultivate, package, prepare or produce a substance; or
- (c) do or offer to do anything for or in connection with an act mentioned in paragraph (a).

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69 Poison manufacturer licences are issued under chapter 4 (Poisons).

70 Poison wholesaler licences are issued under chapter 4 (Poisons).

71 *Corrective Services Act 2000*, schedule 3 (Dictionary)

## Appendix 9 (continued)

**public sector hospital** has the meaning given in the *Health Services Act 1991*.

**purchase order** means an order for the supply of a controlled or restricted drug or a poison, placed by an endorsed person under chapter 2, 3 or 4.

**reasonably believe** means believe on grounds that are reasonable in the circumstances.

**reasonably satisfied** means satisfied on grounds that are reasonable in the circumstances.

**registered nurse** see the *Nursing Act 1992*, section 4.

**registered training organisation** means a registered training organisation under the *Vocational Education, Training and Employment Act 2000*.

**regulated controlled drug** means a controlled drug mentioned in chapter 2, part 3.

**regulated poison** means a poison in appendix 7 of this regulation.

**regulated restricted drug** means a restricted drug mentioned in chapter 3, part 3.

**repeat prescription** means a prescription on which there is a direction to repeat the sale or supply of a stated controlled or restricted drug or a stated poison a stated number of times.

**resident**, of a nursing home, means a person receiving care or supervision at the nursing home.

**restricted drug** means—

- (a) an S4 substance other than solasodine; or
- (b) alkaloids and alkaloidal glycosides of plants of the genus *solanum* for human therapeutic use.

**restricted drug manufacturer** means a person who holds a restricted drug manufacturer licence.<sup>72</sup>

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72 Restricted drug manufacturer licences are issued under chapter 3 (Restricted drugs).

## Appendix 9 (continued)

**restricted drug of dependency** means a restricted drug in appendix 8 of this regulation.

**restricted drug wholesaler** means a person who holds a restricted drug wholesaler licence.<sup>73</sup>

**rural and isolated practice endorsed nurse** means a registered nurse whose annual licence certificate is endorsed under the *Nursing Act 1992* to show an authorisation to practise as a rural and isolated practice nurse.

**rural hospital** means—

- (a) a public sector hospital at a place stated in appendix 8A; or
- (b) the Capricorn Sector Outpatients' Clinic; or
- (c) Maleny Soldiers Memorial Hospital; or
- (d) Noosa District Community Hospital.

**S2 to S9** see section 5.

**sexual health program** means—

- (a) sexual or reproductive health program carried out by a district health service; or
- (b) a certified sexual or reproductive health program.

**specialist** means a person registered as a specialist registrant under the *Medical Practitioners Registration Act 2001*.

**specified health service district** means any of the following health service districts declared under the *Health Services Act 1991*<sup>74</sup>—

- Cairns
- Cape York
- Mount Isa
- Torres Strait and Northern Peninsula Area.

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73 Restricted drug wholesaler licences are issued under chapter 3 (Restricted drugs).

74 *Health Services Act 1991*, section 6 (Health service districts)

## Appendix 9 (continued)

**standard** means the Standard for the Uniform Scheduling of Drugs and Poisons published by the Commonwealth.<sup>75</sup>

**State analyst** means an analyst appointed under section 153Z<sup>76</sup> of the Act.

**statement of attainment**, for a hospital pharmaceutical assistant, see the *Vocational Education, Training and Employment Act 2000*, section 19.<sup>77</sup>

**strychnine**, for chapter 4, part 2, means strychnine as an S7 poison.

**strychnine permit** means a permit granted by the chief executive under this regulation for a person to obtain, possess or use strychnine.

**supply**, for a controlled or restricted drug or a poison, means give, or offer to give, a person 1 or more treatment doses of the drug or poison, to be taken by the person during a certain period.

**trainee pharmacist** means a person who—

- (a) is qualified for general registration under the *Pharmacists Registration Act 2001*, if the person is undertaking—
  - (i) a training course mentioned in section 47(1)(a) of that Act; or

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75 A copy of the standard may be purchased from National Mailing & Marketing Pty Ltd.

76 Section 153Z (Appointment and qualifications) of the Act

77 *Vocational Education, Training and Employment Act 2000*, section 19—

**statement of attainment** means formal certification in the vocational education and training sector by a registered training organisation under the AQF that a person has achieved—

- (a) part of a qualification; or
- (b) one or more units of competency from a nationally endorsed training package; or
- (c) all the units of competency or modules comprising learning outcomes for an accredited course that does not meet the requirements for a qualification.

**Appendix 9 (continued)**

- (ii) supervised practice mentioned in section 48(a) of that Act; or
- (b) is enrolled in a course, the successful completion of which would qualify the person for general registration under the *Pharmacists Registration Act 2001*.

**transaction** see section 6.

**treatment approval** means any of the following approvals—

- (a) an approval given to a doctor by the chief executive under section 78(1)(a);
- (b) a written approval given to a doctor by the chief executive under section 122;
- (c) a written approval given to a doctor by the chief executive under section 213;
- (d) a written approval given to a dentist by the chief executive under section 213A.

**Veterans Entitlements Act** means the *Veterans' Entitlements Act 1986* (Cwlth).

**wholesale** means sell for resale.

**wholesale representative** means a person who holds a wholesale representative licence.<sup>78</sup>

**written instruction** means any of the following—

- (a) a written direction, other than a prescription or purchase order, signed by a dentist or doctor and on which the date of the direction is shown;
- (b) a standing order signed by a doctor and on which the date of the order is shown;
- (c) a written entry on a patient's medical records signed and dated by a doctor.

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

## Endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 October 2005. Future amendments of the Health (Drugs and Poisons) Regulation 1996 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	1 January 1997	10 January 1997
2	1997 SL No. 64	21 March 1997	25 March 1997
2A	1997 SL No. 323	3 October 1997	7 November 1997
2B	1997 SL No. 383	14 November 1997	26 November 1997
2C	1998 SL No. 149	19 June 1998	22 June 1998
2D	1998 SL No. 203	17 July 1998	22 July 1998
2E	1998 SL No. 259	25 September 1998	19 October 1998
3	1999 SL No. 8	19 February 1999	2 March 1999
3A	1999 SL No. 174	30 July 1999	27 October 1999
3B	1999 Act No. 258	5 November 1999	23 November 1999
3C	1999 SL No. 326	1 January 2000	1 January 2000
3D	2000 Act No. 28	27 July 2000	4 August 2000
3E	2000 SL No. 333	15 December 2000	22 December 2000
4	2000 SL No. 333	15 December 2000	19 January 2001
4A rv	2001 SL No. 205	16 November 2001	23 November 2001
4B rv	2001 SL No. 275	21 December 2001	24 December 2001
4C rv	2001 SL No. 264	1 January 2002	11 January 2002

*Health (Drugs and Poisons) Regulation 1996*

Reprint No.	Amendments to	Effective	Reprint date
4D rv	2001 SL No. 267	1 February 2002	8 February 2002
4E rv	2002 SL No. 20	15 February 2002	22 February 2002
4F rv	2002 SL No. 31	1 March 2002	7 March 2002
4G rv	2002 SL No. 80	1 May 2002	15 May 2002
Reprint No.	Amendments included	Effective	Notes
4H 2rv	2002 SL No. 156	1 July 2002	
4HA 2rv	2001 SL No. 205	1 August 2002	
4I 3rv	2002 SL No. 248	27 September 2002	
4J 2rv	2002 SL No. 361	1 January 2003	
4K 2rv	2003 SL No. 29	7 March 2003	R4K 2rv withdrawn, see R5 2rv
5 2rv	—	7 March 2003	Revision notice issued for R5 Revision notice no. 2 issued for R5
5A 2rv	2003 SL No. 130	1 July 2003	
5B rv	2003 SL No. 189	1 September 2003	
5C rv	2003 SL No. 201	20 September 2003	
5D	2003 SL No. 255	31 October 2003	
5E	2003 SL No. 348	19 December 2003	
5F	2003 Act No. 63	1 January 2004	
5G	2004 SL No. 34	8 April 2004	
6	2004 SL No. 27	1 July 2004	
6A rv	2004 SL No. 154	18 August 2004	
6B	2004 SL No. 291	17 December 2004	
6C	2005 SL No. 40	24 March 2005	
6D	2005 SL No. 142	1 July 2005	
6E	2005 SL No. 160	15 July 2005	
6F	2005 SL No. 222	9 September 2005	
6G	2005 SL No. 170	1 October 2005	R6G withdrawn, see R7
7	—	1 October 2005	

**5 Tables in earlier reprints**

Name of table	Reprint No.
Corrected minor errors	1, 4



## 6 List of legislation

**Health (Drugs and Poisons) Regulation 1996 SL No. 414**

made by the Governor in Council on 19 December 1996

notfd gaz 20 December 1996 pp 1588–98

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 1997 (see s 2)

exp 1 September 2007 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

**Health (Drugs and Poisons) Amendment Regulation (No. 1) 1997 SL No. 64**

notfd gaz 21 March 1997 pp 1234–5

pt 3 never commenced and rep by 1997 SL No. 323 s 13

remaining provisions commenced on date of notification

**Health (Drugs and Poisons) Amendment Regulation (No. 2) 1997 SL No. 323 pts 1–2**

notfd gaz 3 October 1997 pp 481–2

commenced on date of notification

**Health (Drugs and Poisons) Amendment Regulation (No. 3) 1997 SL No. 383**

notfd gaz 14 November 1997 pp 1164–5

commenced on date of notification

**Health (Drugs and Poisons) Amendment Regulation (No. 1) 1998 SL No. 149**

notfd gaz 22 May 1998 pp 509–14

s 68 commenced 19 June 1998 (see s 2)

remaining provisions commenced on date of notification

**Health (Drugs and Poisons) Amendment Regulation (No. 2) 1998 SL No. 203**

notfd gaz 17 July 1998 pp 1404–6

commenced on date of notification

**Health (Drugs and Poisons) Amendment Regulation (No. 3) 1998 SL No. 259**

notfd gaz 25 September 1998 pp 327–9

commenced on date of notification

**Health Legislation Amendment Regulation (No. 1) 1998 SL No. 343 pts 1, 5**

notfd gaz 18 December 1998 pp 1551–7

ss 1–2 commenced on date of notification

remaining provisions commenced 21 December 1998 (see s 2)

**Health (Drugs and Poisons) Amendment Regulation (No. 1) 1999 SL No. 8**

notfd gaz 19 February 1999 pp 667–8

commenced on date of notification

**Health Legislation Amendment Regulation (No. 1) 1999 SL No. 174 pts 1, 4**

notfd gaz 30 July 1999 pp 1905–6

commenced on date of notification

- Health (Drugs and Poisons) Amendment Regulation (No. 2) 1999 SL No. 258**  
notfd gaz 5 November 1999 pp 918–21  
commenced on date of notification
- Sugar Industry Act 1999 No. 51 ss 1, 2(2), 228 sch 1**  
date of assent 18 November 1999  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 January 2000 (see s 2(2))
- Health (Drugs and Poisons) Amendment Regulation (No. 3) 1999 SL No. 326**  
notfd gaz 17 December 1999 pp 1586–9  
commenced on date of notification
- Drugs Misuse Amendment Act 2000 No. 28 pt 1, s 26 sch**  
date of assent 27 July 2000  
commenced on date of assent
- Health (Drugs and Poisons) Amendment Regulation (No. 1) 2000 SL No. 333**  
notfd gaz 15 December 2000 pp 1478–83  
commenced on date of notification
- Health (Drugs and Poisons) Amendment Regulation (No. 1) 2001 SL No. 205**  
notfd gaz 16 November 2001 pp 982–5  
ss 39, 40, 44(6) and (8) commenced 1 August 2002 (see s 2 and 2002 SL No. 183)  
remaining provisions commenced on date of notification
- Dental Practitioners Registration Regulation 2001 SL No. 264 ss 1–2, 17 sch 5**  
notfd gaz 14 December 2001 pp 1351–4  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2002 (see s 2)
- Optometrists Registration Regulation 2001 SL No. 266 ss 1–2, 10 sch 3**  
notfd gaz 14 December 2001 pp 1351–4  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 February 2002 (see s 2)
- Pharmacists Registration Regulation 2001 SL No. 267 ss 1–2, 14 sch 4**  
notfd gaz 14 December 2001 pp 1351–4  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 February 2002 (see s 2)
- Health (Drugs and Poisons) Amendment Regulation (No. 2) 2001 SL No. 275**  
notfd gaz 21 December 2001 pp 1482–8  
commenced on date of notification
- Health Legislation Amendment Regulation (No. 1) 2002 SL No. 20 pts 1, 3**  
notfd gaz 15 February 2002 pp 618–19  
commenced on date of notification
- Medical Practitioners Registration Regulation 2002 SL No. 31 ss 1–2, 16 sch 4**  
notfd gaz 1 March 2002 pp 850–2  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 March 2002 (see s 2)

**Podiatrists Registration Regulation 2002 SL No. 80 ss 1–2, 10 sch 3**

notfd gaz 26 April 2002 pp 1540–3  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 May 2002 (see s 2)

**Health Legislation Amendment Regulation (No. 2) 2002 SL No. 156 pts 1, 3**

notfd gaz 28 June 2002 pp 876–83  
 s 8 commenced 1 July 2002 (see s 2)  
 remaining provisions commenced on date of notification

**Health (Drugs and Poisons) Amendment Regulation (No. 1) 2002 SL No. 248**

notfd gaz 27 September 2002 pp 340–4  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 27 September 2002 (see s 2)

**Health (Drugs and Poisons) Amendment Regulation (No. 2) 2002 SL No. 361**

notfd gaz 20 December 2002 pp 1359–63  
 ss 1–2 commence on date of notification  
 remaining provisions commenced 1 January 2003 (see s 2)

**Health (Drugs and Poisons) Amendment Regulation (No. 1) 2003 SL No. 29**

notfd gaz 7 March 2003 pp 845–6  
 commenced on date of notification

**Health Legislation Amendment Regulation (No. 1) 2003 SL No. 130 pts 1, 3**

notfd gaz 27 June 2003 pp 749–56  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 July 2003 (see s 2)

**Child Care Regulation 2003 SL No. 189 ss 1–2, 130**

notfd gaz 22 August 2003 pp 1372–5  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 September 2003 (see s 2)

**Pest Management Regulation 2003 SL No. 201 ss 1, 2(3), 33 sch 1**

notfd gaz 5 September 2003 pp 57–8  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 20 September 2003 (see s 2(3))

**Training Reform Act 2003 No. 63 ss 1, 2(2), 60 sch**

date of assent 13 October 2003  
 ss 1–2 commenced on date of assent  
 remaining provisions commenced 1 January 2004 (2003 SL No. 293)

**Health (Drugs and Poisons) Amendment Regulation (No. 2) 2003 SL No. 255**

notfd gaz 31 October 2003 pp 691–4  
 commenced on date of notification

**Health Legislation Amendment and Repeal Regulation (No. 1) 2003 SL No. 348 pts 1–2**

notfd gaz 19 December 2003 pp 1307–13  
 commenced on date of notification

**Dental Practitioners Registration and Other Legislation Amendment Regulation (No. 1) 2004 SL No. 27 ss 1–2, 3(2) sch**

notfd gaz 2 April 2004 pp 1315–16

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2004 (see s 2)

**Health Legislation Amendment Regulation (No. 1) 2004 SL No. 34 pts 1, 4**

notfd gaz 8 April 2004 pp 1391–3

commenced on date of notification

**Health Legislation Amendment Regulation (No. 3) 2004 SL No. 154 ss 1–2(1), pt 3**

notfd gaz 13 August 2004 pp 1165–7

ss 1–2 commenced on date of notification

remaining provisions commenced 18 August 2004 (see s 2(1))

**Health (Drugs and Poisons) Amendment Regulation (No. 1) 2004 SL No. 291**

notfd gaz 17 December 2004 pp 1277–85

commenced on date of notification

**Health (Drugs and Poisons) Amendment Regulation (No. 1) 2005 SL No. 40**

notfd gaz 24 March 2005 pp 996–7

commenced on date of notification

**Health Legislation Amendment Regulation (No. 3) 2005 SL No. 142 pts 1–2**

notfd gaz 1 July 2005 pp 763–6

commenced on date of notification

**Health (Drugs and Poisons) Amendment Regulation (No. 2) 2005 SL No. 160**

notfd gaz 15 July 2005 pp 906–7

commenced on date of notification

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sub 2000 SL No. 333 s 98

amd 2001 SL No. 205 s 37

reloc and renum 2003 SL No. 348 s 52  
amd 2004 SL No. 34 s 23

**Records of certain transactions by poison manufacturers and wholesalers**  
s 237 prov hdg sub 2000 SL No. 333 s 82

**PART 2—PERMITS FOR CYANIDE AND STRYCHNINE**

pt hdg sub 2003 SL No. 348 s 32

**Division 1—Cyanide**

div hdg prev div 1 hdg om 2003 SL No. 348 s 33  
pres div 1 hdg (prev div 2 hdg) renum 2003 SL No. 348 s 34

**Obtaining, possession or use of cyanide**

s 238 prev s 238 amd 1998 SL No. 343 s 12  
sub 2000 SL No. 333 s 83  
om 2003 SL No. 348 s 33  
pres s 238 (prev s 280) amd 1998 SL No. 149 s 58; 2000 SL No. 333 s 101;  
2003 SL No. 348 s 54(1)–(2)  
reloc and renum 2003 SL No. 348 s 54(3)  
amd 2005 SL No. 40 s 14

**Restriction on sale of cyanide**

s 238A (prev s 281) amd 2000 SL No. 333 s 102  
reloc and renum 2003 SL No. 348 s 55

**Requirements for cyanide obtained outside the State**

prov hdg sub 2005 SL No. 40 s 15(1)  
s 239 sub 2003 SL No. 348 s 35  
amd 2005 SL No. 40 s 15

**Permit conditions**

s 240 amd 2003 SL No. 348 s 36

**Division 2—Strychnine**

div hdg prev div 2 hdg renum 2003 SL No. 348 s 34  
pres div 2 hdg (prev div 3 hdg) renum 2003 SL No. 348 s 34

**Obtaining, possession or use of strychnine**

s 240A (prev s 282) amd 1998 SL No. 149 s 59; 2000 SL No. 333 s 103; 2003 SL No.  
348 s 56(1)–(2)  
reloc and renum 2003 SL No. 348 s 56(3)  
amd 2005 SL No. 40 s 16

**Restriction on sale of strychnine**

s 240B (prev s 283) amd 2000 SL No. 333 s 104  
reloc and renum 2003 SL No. 348 s 57

**Requirements for strychnine obtained outside the State**

prov hdg sub 2005 SL No. 40 s 17(1)  
s 241 sub 2003 SL No. 348 s 37  
amd 2005 SL No. 40 s 17

**Permit conditions**

s 242 amd 2003 SL No. 348 s 38

**PART 3—ENDORSEMENTS****pt hdg** amd 2000 SL No. 333 s 84**Endorsement needed for S2, S3 or S7 poison****s 243** amd 1998 SL No. 149 s 49  
sub 2000 SL No. 333 s 85**Division 2—Particular endorsements****div hdg** amd 2000 SL No. 333 s 86**Approved dispensers****prov hdg** amd 2000 SL No. 333 s 87(1)  
**s 245** amd 1998 SL No. 343 s 12; 2000 SL No. 333 s 87(2)**Bases and outposts of Royal Flying Doctor Service****s 246** amd 2004 SL No. 291 s 23**Cane protection and productivity board****s 247** sub 1999 Act No. 51 s 228 sch  
om 2003 SL No. 348 s 39**Dental hygienists****s 248** amd 2000 SL No. 333 s 88; 2001 SL No. 264 s 17 sch 5; 2004 SL No. 27 s  
3(2) sch; 2005 SL No. 40 s 18**Dental therapists****prov hdg** sub 2004 SL No. 27 s 3(2) sch  
**s 248A** (prev s 264) amd 2001 SL No. 264 s 17 sch 5; 2003 SL No. 348 s 45; 2004 SL  
No. 27 s 3(2) sch; 2005 SL No. 40 s 21(1)-(3)  
reloc and renum 2005 SL No. 40 s 21(4)**Doctors****s 251** amd 2004 SL No. 291 s 24**Enrolled nurses****s 252** amd 1998 SL No. 149 s 51; 2003 SL No. 348 s 40; 2005 SL No. 40 s 19**Hospital pharmaceutical assistants****s 252A** ins 2001 SL No. 205 s 33**Indigenous health workers****prov hdg** sub 1998 SL No. 149 s 50(1)  
**s 252B** (prev s 252A (orig s 244)) amd 1997 SL No. 64 s 48; 1998 SL No. 149 s  
50(2)–(5)  
renum and reloc 1998 SL No. 149 s 50(6)  
sub 1999 SL No. 8 s 8  
amd 2000 SL No. 333 s 89; 2001 SL No. 205 s 32(1)  
renum 2001 SL No. 205 s 32(2)**Local governments****s 254** amd 2001 SL No. 205 s 34; 2005 SL No. 40 s 20**Midwives****s 255** amd 1997 SL No. 323 s 10  
sub 2000 SL No. 333 s 90  
amd 2004 SL No. 291 s 25

**Optometrists**

s 256 amd 2003 SL No. 348 s 41

**Particular individuals who provide child care**

s 256A ins 2003 SL No. 29 s 3  
amd 2003 SL No. 189 s 130; 2004 SL No. 34 s 24

**Pharmacists**

s 257 amd 1997 SL No. 64 s 49; 2001 SL No. 267 s 14 sch 4; 2003 SL No. 348 s 42

**Physiotherapists**

s 259 amd 2003 SL No. 348 s 43

**Podiatrists**

s 260 amd 2003 SL No. 348 s 44

**Queensland Ambulance Service**

s 262 amd 2000 SL No. 333 s 91

**Registered nurses**

s 263 sub 1997 SL No. 64 s 50  
amd 1997 SL No. 323 s 11; 1999 SL No. 8 s 9; 2001 SL No. 205 s 35; 2004  
SL No. 291 s 26

**Certain registered nurses at rural hospitals**

prov hdg amd 2001 SL No. 205 s 36  
s 263A ins 1997 SL No. 64 s 50  
amd 2004 SL No. 291 s 27

**Ship's master**

s 264A ins 2003 SL No. 348 s 46

**State analysts**

s 265 amd 1998 SL No. 149 s 52

**Trainees in certain occupations**

s 265AA ins 2003 SL No. 348 s 47

**Universities**

s 265A ins 2000 SL No. 333 s 92  
amd 2003 SL No. 255 s 20

**Veterinary nurses**

s 265B ins 2000 SL No. 333 s 92  
amd 2003 SL No. 348 s 48

**Watch-house keepers etc.**

s 267 amd 2003 SL No. 255 s 21

**Wholesale representatives**

s 267A ins 2000 SL No. 333 s 93  
amd 2003 SL No. 255 s 22

**Other authorities for an S2 or S3 poison may be given**

s 269 amd 1997 SL No. 64 s 51; 1998 SL No. 343 s 12  
om 2000 SL No. 333 s 94

**When endorsement is not needed****prov hdg** amd 2000 SL No. 333 s 95(1)**s 270** amd 1998 SL No. 149 s 53; 2000 SL No. 333 s 95(2); 2003 SL No. 348 s 49**Approval must not be granted for therapeutic use of S9 poisons****s 270A** ins 2003 SL No. 348 s 50**Prohibition on dispensing etc. regulated poisons****s 271** amd 1997 SL No. 64 s 52; 1998 SL No. 149 s 54; 2000 SL No. 333 s 96; 2002 SL No. 248 s 5; 2003 SL No. 348 s 51; 2004 SL No. 34 s 25**Fluoroacetic acid in baits****s 272** amd 2000 SL No. 333 s 97; 2003 SL No. 255 s 23; 2004 SL No. 34 s 26**Dispensing or selling S2, S3 or S7 poisons****prov hdg** amd 2000 SL No. 333 s 99(1)**s 274** amd 1998 SL No. 149 s 56; 2000 SL No. 333 s 99(2); 2003 SL No. 348 s 53**Dispensing generic poisons****s 275** amd 1997 SL No. 64 s 53**Sale of S3 poisons****s 277** amd 1998 SL No. 149 s 57; 2000 SL No. 333 s 100; 2002 SL No. 361 s 6**Storage of poisons****s 284** amd 1998 SL No. 343 s 12**Record of sale of S7 poison****prov hdg** sub 2002 SL No. 361 s 7**s 285** amd 1997 SL No. 64 s 54; 1998 SL No. 149 s 60**Record of sale of S3 pseudoephedrine****s 285A** ins 2002 SL No. 361 s 8**Prohibition on dispensing or supplying poisons to child under 16****s 286** amd 1999 SL No. 258 s 23; 2000 SL No. 333 s 105; 2001 SL No. 205 s 38; 2004 SL No. 291 s 28**Unsafe disposal of poisons****s 290** amd 1998 SL No. 343 s 12; 1999 Act No. 51 s 228 sch; 2000 SL No. 333 s 106; 2005 SL No. 40 s 22**Advertising of poisons****s 292** amd 1998 SL No. 149 s 61; 2000 SL No. 333 s 107; 2002 SL No. 248 s 6; 2003 SL No. 348 s 58**Automatic machines—Act, s 106****s 292A** ins 2004 SL No. 34 s 27**Colouring of grain baits****s 297** amd 1998 SL No. 343 s 12; 2000 SL No. 333 s 36**Vaporisers and other devices****s 298** amd 1998 SL No. 343 s 12; 2000 SL No. 333 s 36

**CHAPTER 5—MISCELLANEOUS****PART 1—GENERAL**

**pt hdg** prev pt 1 hdg om 2001 SL No. 205 s 39  
pres pt 1 hdg (prev pt 2 hdg) renum 2001 SL No. 205 s 40

**Inspector not required to deliver portion of drug or poison seized**  
**s 303** amd 1997 SL No. 383 s 3; 1999 SL No. 326 s 5; 2000 SL No. 333 s 108; 2001  
SL No. 275 s 3  
om 2001 SL No. 205 s 39 (amdt could not be given effect)  
exp 30 June 2002 (see s 303(4))

**General powers after entering places**

**s 303A** ins 1997 SL No. 64 s 55  
amd 1997 SL No. 383 s 4; 1999 SL No. 326 s 6; 2000 SL No. 333 s 109; 2001  
SL No. 275 s 4  
om 2001 SL No. 205 s 39 (amdt could not be given effect)  
exp 30 June 2002 (see s 303A(6))

**Inspector may serve notice to comply**

**s 304** om 2001 SL No. 205 s 39

**False or misleading information**

**s 306** amd 2000 SL No. 333 s 110  
om 2001 SL No. 205 s 39

**False, misleading or incomplete documents**

**s 307** om 2001 SL No. 205 s 39

**PART 1A—OPTOMETRISTS DRUG AUTHORITY COMMITTEE**

**pt hdg** ins 2005 SL No. 160 s 3

**Division 1—Establishment and function**

**div 1 (ss 308A–308B)** ins 2005 SL No. 160 s 3

**Division 2—Membership**

**div 2 (ss 308C–308J)** ins 2005 SL No. 160 s 3

**Division 3—Drug authority committee business**

**div 3 (ss 308K–308N)** ins 2005 SL No. 160 s 3

**PART 2—TRANSITIONAL PROVISIONS**

**pt hdg** orig pt hdg exp 1 January 1997 (see s 315)  
prev pt hdg ins 1998 SL No. 149 s 62  
exp 18 June 1998 (see prev s 310)  
pres pt 2 hdg (prev pt 3 hdg) ins 2000 SL No. 333 s 111  
renum 2001 SL No. 205 s 40

**Division 1—Transitional provisions for Health (Drugs and Poisons) Amendment  
Regulation (No. 1) 2000**

**div hdg** ins 2003 SL No. 255 s 24

**Definitions for div 1**

**prov hdg** amd 2003 SL No. 255 s 25(1)  
**s 309** orig s 309 exp 1 January 1997 (see s 315)  
prev s 309 ins 1998 SL No. 149 s 62

exp 18 June 1998 (see prev s 310)  
 pres s 309 ins 2000 SL No. 333 s 111  
 amd 2003 SL No. 255 s 25(2)–(3)

**Certain authorities continue**

**s 310** orig s 310 exp 1 January 1997 (see s 315)  
 AIA s 20A applies (see orig s 310(2))  
 prev s 310 ins 1998 SL No. 149 s 62  
 exp 18 June 1998 (see prev s 310)  
 pres s 310 ins 2000 SL No. 333 s 111

**How certain applications are to be considered**

**s 311** prev s 311 exp 1 January 1997 (see s 315)  
 pres s 311 ins 2000 SL No. 333 s 111

**Division 2—Transitional provision for Health (Drugs and Poisons) Amendment Regulation (No. 2) 2003**

**div hdg** ins 2003 SL No. 255 s 26

**Certain persons may operate a controlled drugs administration facility without an approval**

**s 312** prev s 312 exp 1 January 1997 (see s 315)  
 pres s 312 ins 2003 SL No. 255 s 26

**Division 3—Transitional provision for Health (Drugs and Poisons) Amendment Regulation (No. 2) 2005**

**div hdg** ins 2005 SL No. 160 s 4

**Continuation of former ocular therapeutics protocol**

**s 313** prev s 313 exp 1 January 1997 (see s 315)  
 AIA s 20A applies (see s 313(2))  
 pres s 313 ins 2005 SL No. 160 s 4

**Repeal**

**s 314** exp 1 January 1997 (see s 315)

**Expiry**

**s 315** exp 1 January 1997 (see s 315)

**APPENDIX 1—PROVISIONS NOT APPLYING TO MORPHINE OR OPIUM IN COMPOUNDED PREPARATIONS**

amd 2004 SL No. 34 s 28

**APPENDIX 2—APPLICATION FEES FOR LICENCES**

**hdg** sub 2000 SL No. 333 s 112(1)

**appendix 2** amd 2000 SL No. 333 s 112(2)

sub 2002 SL No. 20 s 5; 2002 SL No. 156 s 8; 2003 SL No. 130 s 6; 2004 SL No. 154 s 6; 2005 SL No. 170 s 6

**APPENDIX 2A—DRUGS AN AMBULANCE OFFICER MAY OBTAIN, POSSESS AND ADMINISTER**

ins 1997 SL No. 64 s 56  
 amd 1998 SL No. 149 s 63  
 sub 2000 SL No. 333 s 113  
 amd 2004 SL No. 291 s 29

**APPENDIX 3—WHO MUST SIGN CERTAIN PURCHASE ORDERS FOR CONTROLLED OR RESTRICTED DRUGS****hdg** sub 2000 SL No. 333 s 114(1)**appendix 3** amd 1998 SL No. 149 s 64; 2000 SL No. 333 s 114(2)–(12); 2001 SL No. 205 s 41; 2003 SL No. 348 s 59**APPENDIX 4—COMPUTER GENERATED PRESCRIPTIONS**

amd 2003 SL No. 348 s 60(1)

**Changes not to be made****s 3** om 1998 SL No. 149 s 65**Requirements on generation of prescription****s 4** amd 2003 SL No. 348 s 60(2)–(3)**System messages****s 5** amd 2003 SL No. 348 s 60(4)–(5)**Particulars in a prescription that a computer may generate****s 6** amd 2003 SL No. 348 s 60(6)**APPENDIX 5—AREAS OF LOCAL GOVERNMENTS FORMING ISOLATED PRACTICE AREAS**

sub 1997 SL No. 64 s 57

**APPENDIX 6—MINIMUM REQUIREMENTS FOR CONTROLLED DRUG RECEPTACLES****Definition for pt 1****s 1AA** ins 2003 SL No. 348 s 61(1)**Certain provisions not applicable to alarm cabinets****s 1AB** ins 2003 SL No. 348 s 61(1)**Lock requirements****s 3** amd 1997 SL No. 64 s 58**Mounting requirements****s 5** amd 1998 SL No. 343 s 12; 2000 SL No. 333 s 115(1)**Type 1 mounting****s 6** amd 1998 SL No. 149 s 66; 2003 SL No. 348 s 61(2)**Type 2 mounting****s 7** amd 1998 SL No. 149 s 66; 2003 SL No. 348 s 61(2)**Type 3 mounting****s 8** amd 1998 SL No. 149 s 66; 2003 SL No. 348 s 61(3)**Type 4 mounting****s 9** amd 1998 SL No. 149 s 66**Certain safes taken to be a secure place****s 12** amd 2000 SL No. 333 s 115(2)**Body of safe****s 13** amd 1998 SL No. 149 s 66; 2003 SL No. 348 s 61(2)



**Anchoring**

**s 16** amd 1998 SL No. 149 s 66; 2003 SL No. 348 s 61(2)

**APPENDIX 6A—POISONS**

ins 2001 SL No. 205 s 42

amd 2002 SL No. 248 s 7

om 2003 SL No. 348 s 62

**APPENDIX 7—REGULATED POISONS**

amd 1997 SL No. 64 s 59; 1998 SL No. 149 s 67; 1998 SL No. 343 s 12; 2000

SL No. 333 s 36; 2002 SL No. 248 s 8; 2003 SL No. 348 s 63; 2004 SL No.

291 s 30; 2005 SL No. 40 s 23

**APPENDIX 7A—RESTRICTED DRUGS**

ins 2001 SL No. 205 s 43

om 2003 SL No. 348 s 64

**APPENDIX 8—RESTRICTED DRUGS OF DEPENDENCY**

amd 1998 SL No. 149 s 68; 2000 SL No. 333 s 116

**APPENDIX 8A—RURAL HOSPITALS**

ins 1997 SL No. 64 s 60

amd 1998 SL No. 149 s 69; 2005 SL No. 142 s 5

**APPENDIX 9—DICTIONARY**

def “**administer**” amd 2003 SL No. 255 s 27(3)

def “**ambulance officer**” amd 2002 SL No. 248 s 9

def “**appointed member**” ins 2005 SL No. 160 s 5(1)

def “**approval**” amd 1998 SL No. 343 s 12

sub 2000 SL No. 333 s 117(1)–(2); 2003 SL No. 255 s 27(1)–(2)

def “**approved**” amd 1998 SL No. 343 s 12

om 2000 SL No. 333 s 117(1)

def “**approved electronic form**” ins 2003 SL No. 348 s 65(2)

def “**authorised person**” sub 2000 SL No. 333 s 117(1)–(2)

def “**authority**” sub 2000 SL No. 333 s 117(1)–(2)

def “**business premises**” amd 2000 SL No. 333 s 117(3)

def “**cabinet**” ins 2003 SL No. 348 s 65(2)

def “**carer**” om 2003 SL No. 348 s 65(1)

ins 2004 SL No. 34 s 29(2)

def “**certification**” ins 2000 SL No. 333 s 117(2)

def “**child care service**” ins 2004 SL No. 34 s 29(2)

def “**clinical pharmacologist**” ins 2005 SL No. 160 s 5(1)

def “**controlled drugs administration facility**” ins 2003 SL No. 255 s 27(2)

def “**controlled drugs book**” om 2004 SL No. 34 s 29(1)

def “**controlled drugs record**” ins 2004 SL No. 34 s 29(2)

def “**cyanide permit**” ins 2003 SL No. 348 s 65(2)

def “**dental hygienist**” ins 2004 SL No. 27 s 3(2) sch

def “**dental therapist**” ins 2004 SL No. 27 s 3(2) sch

def “**dentist**” ins 2001 SL No. 264 s 17 sch 5

amd 2004 SL No. 27 s 3(2) sch

def “**dispensary**” amd 2002 SL No. 248 s 9

def “**dispensed medicine**” amd 2005 SL No. 40 s 24(2)

def “**drug authority committee**” ins 2005 SL No. 160 s 5(1)

- def **“drug therapy protocol”** amd 1998 SL No. 343 s 12; 2000 SL No. 333 s 117(4)
- def **“ECP area”** ins 2000 SL No. 333 s 117(2)  
amd 2001 SL No. 205 s 44(3)
- def **“electronic communication”** ins 2003 SL No. 348 s 65(2)
- def **“electronic means”** ins 2003 SL No. 348 s 65(2)
- def **“endorsed”** om 2000 SL No. 333 s 117(1)
- def **“endorsement”** ins 2000 SL No. 333 s 117(2)  
amd 2001 SL No. 205 s 44(4)
- def **“enrolled nurse”** ins 2004 SL No. 291 s 31(2)
- def **“hospital”** ins 2001 SL No. 205 s 44(2)
- def **“hospital pharmaceutical assistant”** ins 2001 SL No. 205 s 44(2)  
amd 2003 Act No. 63 s 60 sch
- def **“immunisation program”** amd 2000 SL No. 333 s 117(5)
- def **“indigenous health worker”** ins 1999 SL No. 8 s 10(1)  
amd 2000 SL No. 333 s 117(6); 2001 SL No. 205 s 44(5)
- def **“inspector”** amd 2001 SL No. 205 s 44(6)
- def **“isolated practice area”** amd 1997 SL No. 64 s 61(2); 1999 SL No. 8 s 10(2)
- def **“isolated practice endorsed”** sub 1997 SL No. 64 s 61(1), (3)  
om 2001 SL No. 205 s 44(1)
- def **“issue”** ins 1997 SL No. 64 s 61(3)  
amd 2000 SL No. 333 s 117(7)
- def **“licensee”** amd 1998 SL No. 149 s 70(3); 2001 SL No. 205 s 44(7)
- def **“licensee of a child care service”** ins 2004 SL No. 34 s 29(2)
- def **“master”** amd 2002 SL No. 248 s 9
- def **“midwife”** amd 2002 SL No. 248 s 9  
sub 2004 SL No. 291 s 31(1)–(2)
- def **“National Drugs and Poisons Schedule Committee”** ins 2000 SL No. 333 s 117(2)
- def **“nurse”** ins 2004 SL No. 291 s 31(2)
- def **“nurse practitioner”** ins 2004 SL No. 291 s 31(2)
- def **“ocular therapeutics protocol”** ins 2005 SL No. 40 s 24(1)  
amd 2005 SL No. 160 s 5(2)
- def **“operating approval”** ins 2003 SL No. 255 s 27(2)
- def **“optometrist”** sub 2001 SL No. 266 s 10 sch 3
- def **“owner”** amd 2002 SL No. 248 s 9
- def **“paramedic 1”** ins 2000 SL No. 333 s 117(2)
- def **“paramedic 2”** ins 2000 SL No. 333 s 117(2)
- def **“paramedic 3”** ins 2000 SL No. 333 s 117(2)
- def **“paramedic 3 (ECP)”** ins 2000 SL No. 333 s 117(2)
- def **“paramedic 4”** ins 2000 SL No. 333 s 117(2)
- def **“pharmaceutical imprest duties”** ins 2001 SL No. 205 s 44(2)
- def **“pharmacist”** sub 2001 SL No. 267 s 14 sch 4
- def **“pharmacy”** sub 2001 SL No. 267 s 14 sch 4  
om 2004 SL No. 291 s 31(1)
- def **“podiatrist”** sub 2002 SL No. 80 s 10 sch 3
- def **“poison”** sub 2000 SL No. 333 s 117(1)–(2); 2001 SL No. 205 s 44(1)–(2); 2003 SL No. 348 s 65
- def **“prescribe”** amd 2000 SL No. 333 s 117(8)

- def “**prescriber**” amd 2000 SL No. 333 s 117(9)
- def “**prescription**” amd 1998 SL No. 149 s 70(4); 2000 SL No. 333 s 117(10)
- def “**prison**” amd 2002 SL No. 248 s 9; 2003 SL No. 29 s 4
- def “**private practice endorsed midwife**” om 1997 SL No. 323 s 12
- def “**public sector hospital**” ins 1997 SL No. 64 s 61(3)
- def “**purchase order**” amd 2000 SL No. 333 s 117(11)
- def “**registered nurse**” amd 2002 SL No. 248 s 9  
sub 2004 SL No. 291 s 31(1)–(2)
- def “**registered training organisation**” ins 2001 SL No. 205 s 44(2)  
amd 2002 SL No. 248 s 9  
sub 2003 Act No. 63 s 60 sch
- def “**regulated controlled drug**” ins 2001 SL No. 205 s 44(2)
- def “**regulated drug**” om 2001 SL No. 205 s 44(1)
- def “**regulated restricted drug**” ins 2001 SL No. 205 s 44(2)
- def “**restricted drug**” sub 2001 SL No. 205 s 44(1)–(2); 2003 SL No. 348 s 65
- def “**rural and isolated practice endorsed nurse**” ins 2001 SL No. 205 s 44(2)  
amd 2004 SL No. 291 s 31(3)
- def “**rural hospital**” ins 1997 SL No. 64 s 61(3)  
amd 1998 SL No. 149 s 70(5)
- def “**section 122 approval**” ins 1998 SL No. 149 s 70(2)  
amd 1998 SL No. 343 s 12  
om 2000 SL No. 333 s 117(1)
- def “**sell**” om 2000 SL No. 333 s 117(1)
- def “**sexual health program**” amd 2000 SL No. 333 s 117(12)
- def “**specialist**” sub 2002 SL No. 31 s 16 sch 4
- def “**specified health service district**” ins 2001 SL No. 205 s 44(2)
- def “**standard**” amd 1999 SL No. 258 s 24
- def “**State analyst**” amd 2001 SL No. 205 s 44(8)
- def “**statement of attainment**” ins 2001 SL No. 205 s 44(2)  
amd 2002 SL No. 248 s 9; 2003 Act No. 63 s 60 sch
- def “**strychnine permit**” ins 2003 SL No. 348 s 65(2)
- def “**supply**” sub 2003 SL No. 255 s 27(1)–(2)
- def “**trainee pharmacist**” ins 2003 SL No. 348 s 65(2)
- def “**treatment approval**” ins 2000 SL No. 333 s 117(2)  
amd 2001 SL No. 205 s 44(9)–(10); 2003 SL No. 255 s 27(4)
- def “**university**” om 1998 SL No. 149 s 70(1)
- def “**Veterans Entitlements Act**” amd 2001 SL No. 205 s 44(11); 2004 SL No. 154 s 7
- def “**wholesale representative**” sub 2000 SL No. 333 s 117(1)–(2)
- def “**written instruction**” sub 2003 SL No. 348 s 65

## **8 Table of corrected minor errors**

under the Reprints Act 1992 s 44

Provision	Description
84(12)	om 'Entitlement' ins 'Entitlements'
Appendix 1	om 'prescription' ins 'prescriptions'
Appendix 1	om 'controlled drug to' ins 'controlled drugs to'