

TASMANIA

**POISONS AMENDMENT (MISCELLANEOUS)
REGULATIONS 2017**

STATUTORY RULES 2017, No. 97

CONTENTS

1. Short title
2. Commencement
3. Principal Regulations
4. Regulation 3 amended (Interpretation)
5. Regulations 6A, 6B, 6C and 6D inserted
 - 6A. Authorised health professionals
 - 6B. Administration of listed substances by optometrists
 - 6C. Administration of listed substances by podiatrists
 - 6D. Prescribed substances for certain first-aid services
6. Regulation 10 amended (Inquiries, &c., before supplying narcotic substance to patient)
7. Regulation 11 amended (Supply of narcotic substances)
8. Regulation 13 amended (Narcotic substances register to be kept by certain persons)
9. Regulation 15 amended (Prescribing and supply of narcotic substances)
10. Regulation 16 amended (Electronic prescriptions for narcotic substances)
11. Regulation 17 amended (Record of prescribing and supply of narcotic substances)

12. Regulation 18 amended (Emergency prescribing and dispensing of narcotic substances)
13. Regulation 22 amended (Minister's authorisation for possession and supply of narcotic substance)
14. Regulation 23 amended (Dispensing of narcotic substances (S8))
15. Regulation 25 amended (Storage of narcotic substances)
16. Regulation 27 amended (Supply of narcotic substances in medical institution)
17. Regulation 30 amended (Administration of narcotic substances (S8) in medical institutions)
18. Regulation 34 amended (Destruction of narcotic substances prohibited)
19. Regulation 37 amended (Self-administration of narcotic substances prohibited)
20. Regulation 39 amended (Storage of poisons, &c.)
21. Regulation 40 amended (Restriction on advertising of restricted substances)
22. Regulation 41 amended (Prescriptions for restricted substances)
23. Regulation 42 amended (Electronic prescriptions for restricted substances)
24. Regulation 43 amended (Emergency prescribing and dispensing of restricted substances)
25. Regulation 44 amended (Records of prescribing of declared restricted substances)
26. Regulation 45 amended (Sale or supply of restricted substances)
27. Regulation 46 amended (Dispensing prescriptions for restricted substances (S4))
28. Regulation 48 amended (Emergency supply of restricted substances other than specified psychotropic substances)
29. Regulation 49 amended (Supply of restricted substance in medical institution)
30. Regulation 50 amended (Information about drugs)
31. Regulation 51 amended (Interpretation of Division)
32. Regulation 52 amended (Advertising of potent substances)

33. Regulation 53 amended (Supply of potent substances by pharmaceutical chemists)
34. Regulation 54 amended (Administration of salbutamol (S3))
35. Regulation 54A inserted
 - 54A. Administration of adrenaline (S3)
36. Regulation 55 amended (Obtaining potent substances through misrepresentation)
37. Regulation 56 amended (Authorised officer to store, &c., restricted substances)
38. Regulation 57 amended (Supply of restricted substances to patients)
39. Regulation 59 amended (Administration of restricted substances (S4) in medical institutions)
40. Regulation 60 amended (Enrolled nurse may administer certain substances)
41. Regulation 62 amended (Ministers authorisation for possession and supply of restricted substance)
42. Regulation 63A substituted
 - 63A. Aboriginal health worker may administer certain substances
43. Regulation 72 amended (Restrictions on use of certain poisons and restricted substances)
44. Regulation 73 amended (Restriction of possession of certain substances)
45. Regulation 76 amended (Wholesale dealing)
46. Regulation 79 amended (Application of provisions of Uniform Standard)
47. Regulation 80 amended (Special provisions as to containers for narcotic substances)
48. Regulation 84 amended (Labelling of dispensed medicines)
49. Regulation 86 amended (Offence to act if right suspended or revoked)
50. Regulation 87 amended (Duration of licence or authority)
51. Regulations 93 and 93A substituted
 93. Reporting of acquisition and disposal of relevant substances

52. Regulation 95 amended (Administration of certain substances by disability service workers)
53. Regulation 95A amended (Administration of certain substances by school staff)
54. Regulation 95B amended (Administration of certain substances by Academy staff)
55. Regulation 95C amended (Administration of certain substances by TasTAFE employees)
56. Regulation 95D amended (Administration of certain substances by child carers, &c.)
57. Regulation 95E amended (Administration of certain substances by foster-parents)
58. Regulation 95EA amended (Administration of certain substances by aged-care workers in residential care services)
59. Regulation 95F amended (Administration of certain substances by aged-care workers in community care services)
60. Regulation 95G amended (Administration of certain substances by carers)
61. Regulation 96 amended (Administration of certain substances to detainees)
62. Regulation 99 inserted
 99. Infringement offences
63. Schedule 4 amended (Specified psychotropic substances)
64. Schedule 10 inserted
 - Schedule 10 – Infringement Notice Offences

**POISONS AMENDMENT (MISCELLANEOUS)
REGULATIONS 2017**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Poisons Act 1971*.

Dated 4 December 2017.

C. WARNER
Governor

By Her Excellency's Command,

MICHAEL DARREL JOSEPH FERGUSON
Minister for Health

1. Short title

These regulations may be cited as the *Poisons Amendment (Miscellaneous) Regulations 2017*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 3

3. Principal Regulations

In these regulations, the *Poisons Regulations 2008** are referred to as the Principal Regulations.

4. Regulation 3 amended (Interpretation)

Regulation 3(1) of the Principal Regulations is amended as follows:

- (a) by omitting the definition of *authorised optometrist*;
- (b) by inserting the following definition after the definition of *chemist*:

children and youth services facility
means a children and youth services facility approved by the Secretary for the purposes of these regulations;

- (c) by inserting the following definition after the definition of *Commonwealth Department*:

correctional health facility means a correctional health facility approved by the Secretary for the purposes of these regulations;

- (d) by omitting “dentist” from the definition of *drug therapy chart* and substituting “dentist, authorised health professional”;

*S.R. 2008, No. 162

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 4

- (e) by omitting “surgeon;” from paragraph (f) of the definition of *health professional* and substituting “surgeon; and”;
- (f) by inserting the following paragraph after paragraph (f) in the definition of *health professional*:
 - (g) an authorised health professional;
- (g) by inserting the following definition after the definition of *medical institution*:

medication chart means –

- (a) a PBS medication chart; and
 - (b) a medication chart maintained at a correctional health facility; and
 - (c) a medication chart maintained at a children and youth services facility;
- (h) by inserting the following definition after the definition of *optometrist*:

Optometry Board of Australia means the Optometry Board of Australia established under the Health Practitioner Regulation National Law (Tasmania);

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 5

(i) by omitting “optometrist” twice occurring from the definition of *patient* and substituting “optometrist, authorised health professional”;

(j) by inserting the following definition after the definition of *pharmacy*:

podiatric surgeon means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the speciality of podiatric surgery;

(k) by inserting the following definition after the definition of *podiatrist*:

Podiatry Board of Australia means the Podiatry Board of Australia established under the Health Practitioner Regulation National Law (Tasmania);

5. Regulations 6A, 6B, 6C and 6D inserted

After regulation 6 of the Principal Regulations, the following regulations are inserted in Part 2:

6A. Authorised health professionals

(1) For the purposes of paragraph (a) of the definition of *authorised health professional* in section 3 of the Act, the following classes of health professionals are prescribed:

- (a) optometrists whose registration is endorsed under section 94 of the Health Practitioner Regulation National Law (Tasmania);
 - (b) podiatric surgeons whose registration is endorsed under section 94 of the Health Practitioner Regulation National Law (Tasmania);
 - (c) podiatrists whose registration is endorsed under section 94 of the Health Practitioner Regulation National Law (Tasmania).
- (2) For the purposes of section 25C of the Act –
- (a) the Optometry Board of Australia is prescribed as the authorised body for optometrists; and
 - (b) the Podiatry Board of Australia is prescribed as the authorised body for podiatric surgeons and podiatrists.
- (3) Subject to these regulations, an optometrist, podiatric surgeon or podiatrist, in the lawful practice of his or her profession may only possess, sell, supply or prescribe a scheduled substance if he or she is acting in accordance with an endorsement on his or her registration under section 94 of the

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 5

Health Practitioner Regulation National
Law (Tasmania).

Penalty: Fine not exceeding 10 penalty
units.

**6B. Administration of listed substances by
optometrists**

(1) In this regulation –

optometry guidelines means the
*Guidelines for use of scheduled
medicines* published by the
Optometry Board of Australia, as
amended from time to time.

(2) Optometrists, in the lawful practice of the
profession of optometry, may administer
a substance listed in the optometry
guidelines as being a scheduled medicine
approved by the Optometry Board of
Australia for administration by
optometrists holding general registration.

**6C. Administration of listed substances by
podiatrists**

Podiatrists in the lawful practice of the
profession of podiatry may administer
local anaesthetics included in Schedule 4
of the Poisons List.

6D. Prescribed substances for certain first-aid services

For the purposes of the definition of *prescribed substance* in section 18A of the Act, the following substances are prescribed:

- (a) adrenaline (S3);
- (b) methoxyflurane (S4);
- (c) naloxone (S3);
- (d) nitrous oxide (S4);
- (e) salbutamol (S3).

6. Regulation 10 amended (Inquiries, &c., before supplying narcotic substance to patient)

Regulation 10 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1) “practitioner” second occurring and substituting “practitioner, authorised health professional”;
- (b) by omitting from subregulation (1) “practitioner” fourth occurring and substituting “practitioner, authorised health professional”;
- (c) by omitting from subregulation (2) “dentist” three times occurring and

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 7

- substituting “dentist, authorised health professional”;
- (d) by inserting in subregulation (3) “authorised health professional,” after “nurse practitioner,”;
 - (e) by omitting “practitioner” second occurring from paragraph (a) of the definition of *material time* in subregulation (4) and substituting “practitioner, authorised health professional”;
 - (f) by omitting “dentist” from paragraph (b) of the definition of *material time* in subregulation (4) and substituting “dentist, authorised health professional”;
 - (g) by omitting “dentist” from paragraph (c) of the definition of *material time* in subregulation (4) and substituting “dentist, authorised health professional”.

7. Regulation 11 amended (Supply of narcotic substances)

Regulation 11 of the Principal Regulations is amended as follows:

- (a) by inserting in subregulation (2) “authorised health professional,” after “nurse practitioner,”;
- (b) by omitting from subregulation (2) “dentist” second occurring and

- substituting “dentist, authorised health professional”;
- (c) by omitting from subregulation (3) “practitioner” second occurring and substituting “practitioner, authorised health professional”;
 - (d) by omitting from subregulation (4) “practitioner” second occurring and substituting “practitioner, authorised health professional”;
 - (e) by omitting from subregulation (6) “practitioner” second occurring and substituting “practitioner, authorised health professional”;
 - (f) by inserting in subregulation (6) “authorised health professional,” after “to a medical practitioner, veterinary surgeon, dentist, authorised nurse practitioner,”;
 - (g) by omitting from subregulation (11) “eligible” and substituting “endorsed”.

8. Regulation 13 amended (Narcotic substances register to be kept by certain persons)

Regulation 13 of the Principal Regulations is amended as follows:

- (a) by inserting the following paragraph after paragraph (f) in subregulation (1):
 - (fa) an authorised health professional;

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 9

- (b) by omitting from subregulation (1)(j) “eligible” and substituting “endorsed”;
- (c) by omitting from subregulation (4) “dentist” and substituting “dentist, authorised health professional”;
- (d) by omitting subregulation (8) and substituting the following subregulation:
 - (8) No alteration, obliteration or cancellation may be made in any narcotic substances register, but any mistake in any entry in the register may be corrected by –
 - (a) placing a line through the mistake; and
 - (b) including a substitution below the mistake, if any, and an explanatory note in the margin; and
 - (c) initialling and dating the correction.
- (e) by omitting from subregulation (13) “practitioner” second occurring and substituting “practitioner, authorised health professional”.

9. Regulation 15 amended (Prescribing and supply of narcotic substances)

Regulation 15 of the Principal Regulations is amended as follows:

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 9

- (a) by omitting from subregulation (1) “dentist” and substituting “dentist, authorised health professional”;
- (b) by omitting from subregulation (2) “surgeon” and substituting “surgeon, authorised health professional”;
- (c) by omitting from subregulation (7) “dentist” first occurring and substituting “dentist, authorised health professional”;
- (d) by omitting from subregulation (7)(a)(ii) “initials” and substituting “initials, date of birth”;
- (e) by omitting from subregulation (7)(a)(ii) “name” second occurring and substituting “name, date of birth”;
- (f) by inserting the following paragraph after paragraph (f) in subregulation (7):
 - (fa) if an authorised health professional, he or she is not to write or issue a prescription for the supply of a narcotic substance for any purpose other than in the lawful practice of his or her profession;
- (g) by omitting from subregulation (7)(g) “dentist” and substituting “dentist, authorised health professional”;

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 10

- (h) by omitting from subregulation (8) “dentist” first occurring and substituting “dentist, authorised health professional”;
- (i) by omitting from subregulation (8) “dentist” second occurring and substituting “dentist, authorised health professional”;
- (j) by omitting from subregulation (11) “A” and substituting “Subject to subregulation (11A), a”;
- (k) by inserting the following subregulation after subregulation (11):
 - (11A) A veterinary surgeon may administer fentanyl, ketamine or methadone to an animal in the course of animal treatment.

10. Regulation 16 amended (Electronic prescriptions for narcotic substances)

Regulation 16(1) of the Principal Regulations is amended by omitting “dentist” and substituting “dentist, authorised health professional”.

11. Regulation 17 amended (Record of prescribing and supply of narcotic substances)

Regulation 17 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1) “practitioner” second occurring and

substituting “practitioner, authorised health professional”;

(b) by omitting from subregulation (1)(a) “name” and substituting “name, date of birth”;

(c) by omitting from subregulation (2) “practitioner” second occurring and substituting “practitioner, authorised health professional”.

12. Regulation 18 amended (Emergency prescribing and dispensing of narcotic substances)

Regulation 18 of the Principal Regulations is amended as follows:

(a) by omitting from subregulation (1) “dentist” and substituting “dentist, authorised health professional”;

(b) by omitting from subregulation (2) “dentist” and substituting “dentist, authorised health professional”.

13. Regulation 22 amended (Minister’s authorisation for possession and supply of narcotic substance)

Regulation 22 of the Principal Regulations is amended as follows:

(a) by omitting from paragraph (d) “practitioner.” and substituting “practitioner;”;

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 14

(b) by inserting the following paragraph after paragraph (d):

(e) where the registered nurse or midwife is –

(i) employed in a correctional health facility, or a children and youth services facility, at which it is impractical for a medical practitioner to attend; and

(ii) acting in accordance with the instructions of a medical practitioner.

14. Regulation 23 amended (Dispensing of narcotic substances (S8))

Regulation 23 of the Principal Regulations is amended as follows:

(a) by omitting subregulations (3) and (4) and substituting the following subregulation:

(3) Subregulation (2) does not apply if the person responsible for dispensing the substances securely transfers the prescription to another pharmacy by mail or courier.

- (b) by omitting from subregulation (12) “practitioner” first occurring and substituting “practitioner, authorised health professional”;
- (c) by omitting from subregulation (14)(b) “dentist” and substituting “dentist, authorised health professional”;
- (d) by omitting from subregulation (14)(d)(i) “practitioner” second occurring and substituting “practitioner, authorised health professional”;
- (e) by inserting the following subregulation after subregulation (15):
 - (15A) A pharmaceutical chemist may write on a prescription for a narcotic substance the date of birth of the person for the treatment of whom the narcotic substance was prescribed.
- (f) by omitting from subregulation (18) “dentist” and substituting “dentist, authorised health professional”;
- (g) by omitting from subregulation (19) “surgeon or dentist” and substituting “surgeon, dentist or authorised health professional”.

r. 15

15. Regulation 25 amended (Storage of narcotic substances)

Regulation 25(4) of the Principal Regulations is amended as follows:

- (a) by omitting “eligible midwife” first occurring and substituting “endorsed midwife, authorised health professional”;
- (b) by omitting “eligible midwife” second occurring and substituting “endorsed midwife, authorised health professional”.

16. Regulation 27 amended (Supply of narcotic substances in medical institution)

Regulation 27 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1)(a)(iii) “and” and substituting “or”;
- (b) by inserting the following subparagraphs after subparagraph (iii) in subregulation (1)(a):
 - (iv) an authorised health professional;
or
 - (v) a dentist; and
- (c) by omitting from subregulation (2)(a)(iv) “; and” and substituting “or”;

- (d) by inserting the following subparagraph after subparagraph (iv) in subregulation (2)(a):
 - (v) an authorised health professional;
and

17. Regulation 30 amended (Administration of narcotic substances (S8) in medical institutions)

Regulation 30 of the Principal Regulations is amended as follows:

- (a) by inserting in subregulation (1) “, authorised health professional” after “dentist”;
- (b) by inserting in subregulation (2) “, authorised health professional” after “a medical practitioner, dentist”;
- (c) by inserting in subregulation (2)(a) “, authorised health professional” after “dentist”;
- (d) by inserting in subregulation (2)(b) “, authorised health professional” after “dentist”;
- (e) by inserting in subregulation (3) “, authorised health professional” after “A medical practitioner, dentist”;
- (f) by inserting in subregulation (3) “, authorised health professional” after “the medical practitioner, dentist”;

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 18

(g) by inserting in subregulation (4) “, authorised health professional” after “dentist”;

(h) by inserting in subregulation (5)(c) “, authorised health professional” after “dentist”.

18. Regulation 34 amended (Destruction of narcotic substances prohibited)

Regulation 34(2)(b) of the Principal Regulations is amended by omitting “surgeon” and substituting “surgeon, authorised health professional”.

19. Regulation 37 amended (Self-administration of narcotic substances prohibited)

Regulation 37(1) of the Principal Regulations is amended by inserting after paragraph (c) the following paragraph:

(ca) by an authorised health professional; or

20. Regulation 39 amended (Storage of poisons, &c.)

Regulation 39(2) of the Principal Regulations is amended as follows:

(a) by omitting “eligible” and substituting “endorsed”;

(b) by omitting “surgeon or optometrist” and substituting “surgeon, optometrist,

podiatrist, or authorised health professional”.

21. Regulation 40 amended (Restriction on advertising of restricted substances)

Regulation 40 of the Principal Regulations is amended by inserting “podiatric,” after “optometrical,”.

22. Regulation 41 amended (Prescriptions for restricted substances)

Regulation 41 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1) “eligible” and substituting “endorsed”;
- (b) by omitting from subregulation (1) “authorised optometrist” and substituting “authorised health professional”;
- (c) by inserting in subregulation (2) “, authorised health professional” after “dentist”;
- (d) by inserting the following subregulation after subregulation (2):
 - (2A) An authorised health professional, subject to this regulation, is authorised to issue a prescription for a restricted substance if he or she is endorsed to prescribe that restricted

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 22

substance by the relevant authorised body and is acting in accordance with that endorsement.

- (e) by omitting from subregulation (4) “eligible” first occurring and substituting “endorsed”;
- (f) by omitting from subregulation (4) “authorised optometrist” first occurring and substituting “authorised health professional”;
- (g) by omitting from subregulation (4)(c)(i) “eligible” and substituting “endorsed”;
- (h) by omitting from subregulation (4)(c)(i) “authorised optometrist” and substituting “authorised health professional”;
- (i) by omitting subparagraphs (ii) and (iii) from subregulation (4)(c) and substituting the following subparagraph:
 - (ii) where the patient is attending a public hospital, private hospital, correctional health facility, children and youth services facility or residential care facility, in print or block letters –
 - (A) the name and address of the person writing or issuing the prescription; and

- (B) the address of the hospital or facility;
- (j) by omitting from subregulation (4)(d)(iia) “eligible” and substituting “endorsed”;
- (k) by omitting subparagraph (v) from subregulation (4)(d) and substituting the following subparagraph:
 - (v) by an authorised health professional, for use in the course of the lawful practice of his or her profession;
- (l) by omitting from subregulation (4)(e) “eligible” and substituting “endorsed”;
- (m) by omitting from subregulation (4)(e) “authorised optometrist” and substituting “authorised health professional”;
- (n) by omitting from subregulation (5) “eligible” twice occurring and substituting “endorsed”;
- (o) by omitting from subregulation (5) “authorised optometrist” twice occurring and substituting “authorised health professional”;
- (p) by omitting from subregulation (6) “eligible” and substituting “endorsed”;

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 23

- (q) by omitting from subregulation (6) “authorised optometrist” and substituting “authorised health professional”;
- (r) by omitting from subregulation (6)(b) “PBS”;
- (s) by omitting from subregulation (7) “eligible” first occurring and substituting “endorsed”;
- (t) by omitting from subregulation (7) “authorised optometrist” first occurring and substituting “authorised health professional”;
- (u) by omitting from subregulation (7)(b) “eligible” and substituting “endorsed”;
- (v) by omitting from subregulation (7)(b) “authorised optometrist” and substituting “authorised health professional”.

23. Regulation 42 amended (Electronic prescriptions for restricted substances)

Regulation 42(1) of the Principal Regulations is amended as follows:

- (a) by omitting “eligible” and substituting “endorsed”;
- (b) by omitting “authorised optometrist” and substituting “authorised health professional”.

24. Regulation 43 amended (Emergency prescribing and dispensing of restricted substances)

Regulation 43 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1) “eligible” and substituting “endorsed”;
- (b) by omitting from subregulation (1) “authorised optometrist” and substituting “authorised health professional”;
- (c) by omitting from subregulation (2) “eligible” and substituting “endorsed”;
- (d) by omitting from subregulation (2) “authorised optometrist” and substituting “authorised health professional”.

25. Regulation 44 amended (Records of prescribing of declared restricted substances)

Regulation 44 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1) “eligible” and substituting “endorsed”;
- (b) by omitting from subregulation (1) “practitioner” second occurring and substituting “practitioner, authorised health professional”;
- (c) by omitting from subregulation (2) “eligible” and substituting “endorsed”;

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 26

- (d) by omitting from subregulation (2) “practitioner” second occurring and substituting “practitioner, authorised health professional”.

26. Regulation 45 amended (Sale or supply of restricted substances)

Regulation 45 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1) “eligible” first occurring and substituting “endorsed”;
- (b) by omitting from subregulation (1) “authorised optometrist” first occurring and substituting “authorised health professional”;
- (c) by omitting from subregulation (1)(ba) “eligible” and substituting “endorsed”;
- (d) by omitting paragraph (e) from subregulation (1) and substituting the following paragraph:
 - (e) by the authorised health professional only for use in the course of the lawful practice of his or her profession.
- (e) by omitting from subregulation (2) “eligible” and substituting “endorsed”;

- (f) by omitting from subregulation (2) “optometrist” and substituting “authorised health professional”.

27. Regulation 46 amended (Dispensing prescriptions for restricted substances (S4))

Regulation 46(2A) of the Principal Regulations is amended by omitting “PBS”.

28. Regulation 48 amended (Emergency supply of restricted substances other than specified psychotropic substances)

Regulation 48 of the Principal Regulations is amended as follows:

- (a) by omitting “eligible” first occurring and substituting “endorsed”;
- (b) by omitting “practitioner” second occurring and substituting “practitioner, authorised health professional”;
- (c) by omitting from paragraph (d)(ii) “eligible” and substituting “endorsed”;
- (d) by inserting in paragraph (d)(ii) “, authorised health professional” after “midwife”.

29. Regulation 49 amended (Supply of restricted substance in medical institution)

Regulation 49 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1) “eligible” first occurring and substituting “authorised health professional, endorsed”;
- (b) by omitting from subregulation (1)(d)(i) “eligible” and substituting “authorised health professional, endorsed”;
- (c) by omitting from subregulation (3) “eligible” and substituting “authorised health professional, endorsed”;
- (d) by omitting from subregulation (4) “PBS”.

30. Regulation 50 amended (Information about drugs)

Regulation 50 of the Principal Regulations is amended as follows:

- (a) by inserting in subregulation (1) “, authorised health professional” after “dentist”;
- (b) by omitting from subregulation (1) “a form approved by the Secretary” and substituting “the form required under regulation 9A of the *Therapeutic Goods Regulations 1990* of the Commonwealth”;

- (c) by inserting in subregulation (2)(b) “, authorised health professional” after “a medical practitioner, dentist”;
- (d) by inserting in subregulation (2)(b) “, authorised health professional” after “the medical practitioner, dentist”.

31. Regulation 51 amended (Interpretation of Division)

Regulation 51 of the Principal Regulations is amended by inserting before the definition of *school* the following definitions:

child care service has the same meaning as in the *Child Care Act 2001*;

person-in-charge has the same meaning as in the *Child Care Act 2001*;

32. Regulation 52 amended (Advertising of potent substances)

Regulation 52(a)(i) of the Principal Regulations is amended by inserting “, optometrical, podiatric” after “practitioner”.

33. Regulation 53 amended (Supply of potent substances by pharmaceutical chemists)

Regulation 53(1)(a) of the Principal Regulations is amended by omitting “eligible midwife” and substituting “endorsed midwife, authorised health professional”.

34. Regulation 54 amended (Administration of salbutamol (S3))

Regulation 54 of the Principal Regulations is amended as follows:

- (a) by inserting in subregulation (1) “child care service,” after “of a”;
- (b) by inserting in subregulation (2) “person-in-charge, the” after “advise the”;
- (c) by inserting in subregulation (3) “person-in-charge, the” after “The”;
- (d) by inserting in subregulation (3) “child care service, the” after “by the”.

35. Regulation 54A inserted

After regulation 54 of the Principal Regulations, the following regulation is inserted in Division 3:

54A. Administration of adrenaline (S3)

- (1) In this regulation –

suitably qualified person means a person who has undertaken training in the administration of adrenaline as part of a course in first aid provided by a registered training organisation.

- (2) A suitably qualified person, employed by or for the purposes of a child care

service, a school, the Academy or TasTAFE may, in an emergency, administer to a child adrenaline in accordance with its directions for use.

- (3) As soon as possible after a person administers adrenaline to a child, the person is to advise the person-in-charge, the school principal, the Academy principal or the TasTAFE chief executive officer of the following:
- (a) the name of the person who administered the adrenaline;
 - (b) the name of the child to whom the adrenaline was administered;
 - (c) the amount of adrenaline administered;
 - (d) the date on which the adrenaline was administered;
 - (e) any other relevant information.
- (4) The person-in-charge, the school principal, the Academy principal and the TasTAFE chief executive officer are responsible for the storage, and control of the use, of any adrenaline kept, respectively, by the child care service, school, Academy or TasTAFE.

36. Regulation 55 amended (Obtaining potent substances through misrepresentation)

Regulation 55 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) “eligible” and substituting “endorsed”;
- (b) by omitting from paragraph (a) “practitioner” second occurring and substituting “practitioner, authorised health professional”;
- (c) by omitting from paragraph (b) “eligible” and substituting “endorsed”;
- (d) by omitting from paragraph (b) “practitioner” second occurring and substituting “practitioner, authorised health professional.”.

37. Regulation 56 amended (Authorised officer to store, &c., restricted substances)

Regulation 56(2)(b)(ii) of the Principal Regulations is amended by omitting “dentist” and substituting “dentist, authorised health practitioner”.

38. Regulation 57 amended (Supply of restricted substances to patients)

Regulation 57(2)(b) of the Principal Regulations is amended as follows:

- (a) by omitting “eligible” and substituting “endorsed”;
- (b) by inserting “, authorised health professional” after “midwife”.

39. Regulation 59 amended (Administration of restricted substances (S4) in medical institutions)

Regulation 59 of the Principal Regulations is amended as follows:

- (a) by inserting in subregulation (1) “authorised health professional,” after “practitioner,”;
- (b) by omitting from subregulation (1) “eligible” and substituting “endorsed”;
- (c) by inserting in subregulation (2) “authorised health professional,” after “a medical practitioner,”;
- (d) by omitting from subregulation (2) “eligible” first occurring and substituting “endorsed”;
- (e) by inserting in subregulation (2)(a) “authorised health professional,” after “practitioner,”;
- (f) by omitting from subregulation (2)(a) “eligible” and substituting “endorsed”;
- (g) by inserting in subregulation (2)(b) “authorised health professional,” after “practitioner,”;

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 40

- (h) by omitting from subregulation (2)(b) “eligible” and substituting “endorsed”;
- (i) by inserting in subregulation (3) “authorised health professional,” after “A medical practitioner,”;
- (j) by omitting from subregulation (3) “eligible” twice occurring and substituting “endorsed”;
- (k) by inserting in subregulation (3) “authorised health professional,” after “the medical practitioner,”;
- (l) by inserting in subregulation (4) “authorised health professional,” after “practitioner,”;
- (m) by omitting from subregulation (4) “eligible” and substituting “endorsed”;
- (n) by inserting in subregulation (5)(c) “authorised health professional,” after “practitioner,”;
- (o) by omitting from subregulation (5)(c) “eligible” and substituting “endorsed”.

40. Regulation 60 amended (Enrolled nurse may administer certain substances)

Regulation 60(a) of the Principal Regulations is amended as follows:

- (a) by inserting in subparagraph (i) “authorised health professional,” after “practitioner,”;
- (b) by omitting from subparagraph (i) “eligible” and substituting “endorsed”;
- (c) by inserting in subparagraph (ii) “authorised health professional,” after “practitioner.”.

41. Regulation 62 amended (Ministers authorisation for possession and supply of restricted substance)

Regulation 62 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (e) “practitioner.” and substituting “practitioner;”;
- (b) by inserting the following paragraph after paragraph (e):
 - (f) where the registered nurse or midwife is –
 - (i) employed in a correctional health facility, or a children and youth services facility, at which it is impractical for a medical practitioner to attend; and

- (ii) acting in accordance with the instructions of a medical practitioner.

42. Regulation 63A substituted

Regulation 63A of the Principal Regulations is rescinded and the following regulation is substituted:

63A. Aboriginal health worker may administer certain substances

For the purposes of section 38(1)(i) and section 47(1)(e) of the Act, an Aboriginal health worker may administer a substance listed in Schedule 2, 3, 4 or 8 to the Poisons List if the Aboriginal health worker acts –

- (a) in accordance with the written authority of a medical practitioner, dentist, authorised health professional, eligible midwife or authorised nurse practitioner; and
- (b) under the supervision of a medical practitioner, dentist, authorised health professional, authorised nurse practitioner or registered nurse or midwife.

43. Regulation 72 amended (Restrictions on use of certain poisons and restricted substances)

Regulation 72(2) of the Principal Regulations is amended by omitting “Appendix C” and substituting “Schedule 10”.

44. Regulation 73 amended (Restriction of possession of certain substances)

Regulation 73 of the Principal Regulations is amended by omitting “Appendix C” and substituting “Schedule 10”.

45. Regulation 76 amended (Wholesale dealing)

Regulation 76 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (2)(ea) “eligible” and substituting “endorsed”;
- (b) by omitting from subregulation (2)(g) “Service.” and substituting “Service;”;
- (c) by inserting the following paragraphs after paragraph (g) in subregulation (2):
 - (h) an authorised health professional;
 - (i) in respect of the substances specified in a first-aid provider licence, a member or employee of the holder of that licence, acting in accordance with that licence.

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 46

- (d) by omitting from subregulation (3)(fa) “eligible” and substituting “endorsed”;
- (e) by inserting the following paragraphs after paragraph (h) in subregulation (3):
 - (ha) in respect of the substances specified in a first-aid provider licence, a member or employee of the holder of that licence, acting in accordance with that licence;
 - (hb) a podiatrist;
- (f) by inserting the following paragraphs after paragraph (g) in subregulation (4):
 - (ga) in respect of the substances specified in a first-aid provider licence, a member or employee of the holder of that licence, acting in accordance with that licence;
 - (gb) a podiatrist;

46. Regulation 79 amended (Application of provisions of Uniform Standard)

Regulation 79(1) of the Principal Regulations is amended as follows:

- (a) by inserting “sections 1 and 2 in” after “regulations,”;
- (b) by omitting “paragraph 41 in Part 3” and substituting “paragraph 6.2 of section 6 in Part 2”.

47. Regulation 80 amended (Special provisions as to containers for narcotic substances)

Regulation 80(3) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) “practitioner” second occurring and substituting “practitioner, authorised health professional”;
- (b) by omitting from paragraph (b) “practitioner” second occurring and substituting “practitioner, authorised health professional”;
- (c) by omitting from paragraph (c) “dentist” and substituting “dentist, authorised health professional”.

48. Regulation 84 amended (Labelling of dispensed medicines)

Regulation 84(1) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) “authorised optometrist” and substituting “authorised health professional”;
- (b) by omitting from paragraph (c)(iv) “optometrist so acting for the purposes of optometrical treatment” and substituting “health professional acting in the course of his or her profession”.

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 49

49. Regulation 86 amended (Offence to act if right suspended or revoked)

Regulation 86(b) of the Principal Regulations is amended by omitting “cultivate,”.

50. Regulation 87 amended (Duration of licence or authority)

Regulation 87(4) of the Principal Regulations is amended by omitting “or cultivate”.

51. Regulations 93 and 93A substituted

Regulations 93 and 93A of the Principal Regulations are rescinded and the following regulation is substituted:

93. Reporting of acquisition and disposal of relevant substances

(1) In this regulation –

relevant substance means a substance in respect of which the Secretary determines records are to be kept in the relevant substances database;

relevant substances database means the database established and maintained under subregulation (2)(a);

required information means the particulars of each acquisition

and disposal of a relevant substance required by the Secretary to be included in the relevant substances database;

specified person means the following persons:

- (a) a pharmaceutical chemist;
- (b) a dispensing medical practitioner;
- (c) a dispensing authorised health professional;
- (d) a licensed manufacturing chemist;
- (e) a licensed wholesale chemist.

(2) The Secretary –

- (a) is to establish and maintain a database containing records of the acquisition and disposal of relevant substances by specified persons; and
- (b) may authorise a person, or class of persons, to access, use or disclose information contained in the relevant substances database if the Secretary is satisfied that such access would assist in

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 52

achieving or implementing the purposes of the Act.

- (3) A person, or class of persons, authorised by the Secretary under subregulation (2)(b), must not access, use or disclose information contained in the relevant substances database except in accordance with that authorisation.

Penalty: Fine not exceeding 10 penalty units.

- (4) Except as otherwise approved by the Secretary, if a specified person acquires or disposes of a relevant substance, the specified person must, as soon as practicable, enter the required information for that acquisition or disposal in the relevant substances database.

Penalty: Fine not exceeding 10 penalty units.

52. Regulation 95 amended (Administration of certain substances by disability service workers)

Regulation 95(2) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (d) “eligible” and substituting “endorsed”;

- (b) by omitting from paragraph (d) “optometrist” and substituting “authorised health professional”;
- (c) by omitting from paragraph (e) “authorised optometrist,” and substituting “authorised health professional”;
- (d) by omitting from paragraph (e) “eligible” and substituting “endorsed”.

53. Regulation 95A amended (Administration of certain substances by school staff)

Regulation 95A of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (2)(d) “optometrist” and substituting “authorised health professional”;
- (b) by omitting from subregulation (2)(e) “authorised optometrist” and substituting “authorised health professional”;
- (c) by omitting from subregulation (2)(f) “dentist” and substituting “dentist, authorised health professional”;
- (d) by omitting from subregulation (3)(a) “authorised optometrist, optometrist” and substituting “authorised health professional”.

54. Regulation 95B amended (Administration of certain substances by Academy staff)

Regulation 95B of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (2)(d) “optometrist” and substituting “authorised health professional”;
- (b) by omitting from subregulation (2)(e) “authorised optometrist” and substituting “authorised health professional”;
- (c) by omitting from subregulation (2)(f) “dentist” and substituting “dentist, authorised health professional”;
- (d) by omitting from subregulation (3)(a) “authorised optometrist, optometrist” and substituting “authorised health professional”.

55. Regulation 95C amended (Administration of certain substances by TasTAFE employees)

Regulation 95C of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (2)(d) “optometrist” and substituting “authorised health professional”;
- (b) by omitting from subregulation (2)(e) “authorised optometrist” and substituting “authorised health professional”;

- (c) by omitting from subregulation (2)(f) “dentist” and substituting “dentist, authorised health professional”;
- (d) by omitting from subregulation (3)(a) “authorised optometrist, optometrist” and substituting “authorised health professional”.

56. Regulation 95D amended (Administration of certain substances by child carers, &c.)

Regulation 95D of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (2)(d) “optometrist” and substituting “authorised health professional”;
- (b) by omitting from subregulation (2)(e) “authorised optometrist” and substituting “authorised health professional”;
- (c) by omitting from subregulation (2)(f) “dentist” and substituting “dentist, authorised health professional”;
- (d) by omitting from subregulation (3)(a) “authorised optometrist, optometrist” and substituting “authorised health professional”;
- (e) by omitting from subregulation (4)(d) “optometrist” and substituting “authorised health professional”;

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 57

- (f) by omitting from subregulation (4)(e) “authorised optometrist” and substituting “authorised health professional”;
- (g) by omitting from subregulation (4)(f) “dentist” and substituting “dentist, authorised health professional”;
- (h) by omitting from subregulation (7)(a) “authorised optometrist, optometrist” and substituting “authorised health professional”.

57. Regulation 95E amended (Administration of certain substances by foster-parents)

Regulation 95E of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (d) “optometrist” and substituting “authorised health professional”;
- (b) by omitting from paragraph (e) “authorised optometrist” and substituting “authorised health professional”;
- (c) by omitting from paragraph (f) “dentist” and substituting “dentist, authorised health professional”.

58. Regulation 95EA amended (Administration of certain substances by aged-care workers in residential care services)

Regulation 95EA(2) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (d) “optometrist” and substituting “authorised health professional”;
- (b) by omitting from paragraph (e) “authorised optometrist” and substituting “authorised health professional”;
- (c) by omitting from paragraph (f) “dentist” and substituting “dentist, authorised health professional”.

59. Regulation 95F amended (Administration of certain substances by aged-care workers in community care services)

Regulation 95F(2) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (d) “optometrist” and substituting “authorised health professional”;
- (b) by omitting from paragraph (e) “authorised optometrist” and substituting “authorised health professional”;
- (c) by omitting from paragraph (f) “dentist” and substituting “dentist, authorised health professional”.

60. Regulation 95G amended (Administration of certain substances by carers)

Regulation 95G(1) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (d) “optometrist” and substituting “authorised health professional”;
- (b) by omitting from paragraph (e) “authorised optometrist” and substituting “authorised health professional”;
- (c) by omitting from paragraph (f) “dentist” and substituting “dentist, authorised health professional”.

61. Regulation 96 amended (Administration of certain substances to detainees)

Regulation 96 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (c) “dentist” and substituting “dentist, authorised health professional”;
- (b) by omitting from paragraph (d) “dentist” and substituting “dentist, authorised health professional”.

62. Regulation 99 inserted

After regulation 98 of the Principal Regulations, the following regulation is inserted in Part 6:

99. Infringement offences

- (1) For the purposes of section 92B of the Act –
 - (a) an offence against a provision of the Act specified in column 2 of the table in Part 1 of Schedule 10 is prescribed to be an infringement offence for which an infringement notice may be issued; and
 - (b) an offence against a provision of the regulations specified in Part 2 of Schedule 10 is prescribed to be an infringement offence for which an infringement notice may be issued.
- (2) A penalty specified in column 3 of a table in Part 1 or 2 of Schedule 10 is prescribed as the penalty payable by a person for the relevant infringement offence specified in column 2 of the relevant table.

63. Schedule 4 amended (Specified psychotropic substances)

Schedule 4 to the Principal Regulations is amended by inserting after item 70 the following item:

70A. Tramadol.

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 64

64. Schedule 10 inserted

After Schedule 9 to the Principal Regulations,
the following Schedule is inserted:

**SCHEDULE 10 – INFRINGEMENT NOTICE
OFFENCES**

Regulation 99

PART 1 – OFFENCES UNDER THE ACT

Column 1 Item No.	Column 2 Section of Act	Column 3 Penalty (penalty units)
1.	Section 12(4)	4
2.	Section 13(2)	20
3.	Section 13A	In the case of an individual, 20 In the case of a body corporate, 100
4.	Section 18(1)	In the case of an individual, 20 In the case of a body corporate, 100
5.	Section 18(2)	In the case of an individual, 20 In the case of a body corporate, 100
6.	Section 18(2A)	In the case of an individual, 20 In the case of a body corporate, 100
7.	Section 26(1)	2
8.	Section 26(1B)	4
9.	Section 27(6)	2

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 64

Column 1	Column 2	Column 3
Item No.	Section of Act	Penalty (penalty units)
10.	Section 28(1)	4
11.	Section 28(2)	4
12.	Section 29(1)	4
13.	Section 29(2)	2
14.	Section 31(4)	2
15.	Section 32(2)	2
16.	Section 33	2
17.	Section 34(1)	2
18.	Section 36(1)	10
19.	Section 37(2)	4
20.	Section 41(1)	2
21.	Section 43	2
22.	Section 45(1)	10
23.	Section 45(2)	10
24.	Section 46	10
25.	Section 47D(1)	10
26.	Section 47D(2)	10
27.	Section 47D(3)	10
28.	Section 47D(4)	10

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 64

Column 1 Item No.	Column 2 Section of Act	Column 3 Penalty (penalty units)
29.	Section 47D(5)	10
30.	Section 48(1)	10
31.	Section 49(1)	10
32.	Section 52(1)	10
33.	Section 55(1)	10
34.	Section 56(1)	4
35.	Section 58(1)	10
36.	Section 59B(1B)	10
37.	Section 59C(1)	10
38.	Section 59C(2)	10
39.	Section 59C(3)	10
40.	Section 59C(4)	10
41.	Section 59C(5)	10
42.	Section 69	1
43.	Section 69AC	In the case of an individual, 20 In the case of a body corporate, 100
44.	Section 80	2
45.	Section 81(1)	2
46.	Section 82(1)	10

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 64

Column 1 Item No.	Column 2 Section of Act	Column 3 Penalty (penalty units)
47.	Section 82(2)	10
48.	Section 83(1)	2
49.	Section 83A(1)	4
50.	Section 83B	10
51.	Section 83C	20
52.	Section 84B(2)	In the case of an individual, 2 In the case of a body corporate, 10
53.	Section 90D(2)	2

PART 2 – OFFENCES UNDER THE REGULATIONS

Column 1 Item No.	Column 2 Regulation	Column 3 Penalty (penalty units)
1.	Regulation 6A(3)	2
2.	Regulation 10(1)	2
3.	Regulation 10(2)	2
4.	Regulation 11(1)	2
5.	Regulation 11(2)	2
6.	Regulation 11(3)	2
7.	Regulation 11(4)	2

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 64

8.	Regulation 11(5)	2
9.	Regulation 11(7)	2
10.	Regulation 13(1)	2
11.	Regulation 13(9)	2
12.	Regulation 14(1)	2
13.	Regulation 14(2)	2
14.	Regulation 15(1)	2
15.	Regulation 15(4)	2
16.	Regulation 15(5)	2
17.	Regulation 15(7)	2
18.	Regulation 15(9)	2
19.	Regulation 15(10)	2
20.	Regulation 15(11)	2
21.	Regulation 15(14)	2
22.	Regulation 17(1)	2
23.	Regulation 17(2)	2
24.	Regulation 19(1)	2
25.	Regulation 23(1)	2
26.	Regulation 23(8)	2
27.	Regulation 23(9)	2
28.	Regulation 23(12)	2
29.	Regulation 23(13)	2

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 64

30.	Regulation 23(14)	2
31.	Regulation 23(15)	2
32.	Regulation 23(16)	2
33.	Regulation 23(17)	2
34.	Regulation 23(18)	2
35.	Regulation 23(19)	2
36.	Regulation 23(20)	2
37.	Regulation 23(22)	2
38.	Regulation 24(1)	2
39.	Regulation 26	2
40.	Regulation 27(1)	2
41.	Regulation 27(2)	2
42.	Regulation 28	2
43.	Regulation 29(1)	2
44.	Regulation 29(2)	2
45.	Regulation 30(1)	2
46.	Regulation 30(5)	2
47.	Regulation 31(4)	2
48.	Regulation 33(1)	2
49.	Regulation 33(3)	2
50.	Regulation 34(1)	2
51.	Regulation 34(4)	2

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 64

52.	Regulation 36(1)	2
53.	Regulation 37(1)	2
54.	Regulation 39(1)	2
55.	Regulation 39(2)	2
56.	Regulation 39(3)	2
57.	Regulation 39(4)	2
58.	Regulation 40	2
59.	Regulation 41(1)	2
60.	Regulation 41(4)	2
61.	Regulation 41(7)	2
62.	Regulation 43(2)	2
63.	Regulation 44(1)	2
64.	Regulation 44(2)	2
65.	Regulation 45(2)	2
66.	Regulation 46(1)	2
67.	Regulation 46(6)	2
68.	Regulation 46(8)	2
69.	Regulation 46(10)	2
70.	Regulation 46(11)	2
71.	Regulation 46(12)	2
72.	Regulation 46(15)	2
73.	Regulation 46(16)	2

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 64

74.	Regulation 46(17)	2
75.	Regulation 52	2
76.	Regulation 53(1)	2
77.	Regulation 53(2)	2
78.	Regulation 53(3)	2
79.	Regulation 53(4)	2
80.	Regulation 55	2
81.	Regulation 56(1)	2
82.	Regulation 56(2)	2
83.	Regulation 57(1)	2
84.	Regulation 58	2
85.	Regulation 59(1)	2
86.	Regulation 59(3)	2
87.	Regulation 59(5)	2
88.	Regulation 62D	2
89.	Regulation 62FB(1)	2
90.	Regulation 62I(1)	2
91.	Regulation 66(1)	2
92.	Regulation 66(2)	2
93.	Regulation 67(1)	2
94.	Regulation 68(1)	2
95.	Regulation 69(1)	2

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 64

96.	Regulation 69(3)	2
97.	Regulation 70(2)	2
98.	Regulation 70(4)	2
99.	Regulation 71(1)	2
100.	Regulation 72(1)	2
101.	Regulation 72(2)	2
102.	Regulation 72(3)	2
103.	Regulation 72(4)	2
104.	Regulation 73	2
105.	Regulation 74(11)	2
106.	Regulation 75	2
107.	Regulation 77(1)	2
108.	Regulation 77(2))	2
109.	Regulation 77(3)	2
110.	Regulation 78L	2
111.	Regulation 79(5)	2
112.	Regulation 80(1)	2
113.	Regulation 80(2)	2
114.	Regulation 82	2
115.	Regulation 83	2
116.	Regulation 86	2
117.	Regulation 88(2)	2

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

r. 64

118.	Regulation 93(3)	2
119.	Regulation 93(4)	2
120.	Regulation 97(2)	2

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

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Notified in the *Gazette* on 13 December 2017.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations amend the *Poisons Regulations 2008* by –

- (a) allowing certain educational institutions and child care centres to possess adrenaline for administration by qualified staff; and
- (b) allowing certain child care centres to possess salbutol for administration by qualified staff; and
- (c) changing the requirements relating to the amendment of the narcotic substances register; and
- (d) providing for the possession, sale, supply and prescription of certain scheduled substances by authorised health professionals in certain circumstances; and
- (e) allowing fentanyl, ketamine and methadone to be administered to animals as part of veterinary practice; and

Poisons Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 97

- (f) changing the reporting requirements in relation to the acquisition and disposal of certain substances; and
- (g) allowing nurses and midwives to administer certain scheduled substances in children and youth services facilities where a doctor is not available; and
- (h) prescribing infringement notice offences under the Act and regulations and the penalties for those offences; and
- (i) making other minor miscellaneous changes.