

TASMANIA

POISONS AMENDMENT REGULATIONS 2022
STATUTORY RULES 2022, No. 54

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POISONS AMENDMENT REGULATIONS 2022

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 18 July 2022.

B. BAKER
Governor

By Her Excellency's Command,

JEREMY ROCKLIFF
Minister for Health

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Poisons Amendment Regulations 2022*.

2. Commencement

- (1) These regulations, other than Part 3, take effect on the day on which the making of these regulations is notified in the *Gazette*.

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Part 1 – Preliminary

- (2) Part 3 takes effect on the day on which the *End-of-Life Choices (Voluntary Assisted Dying) Act 2021* commences.

PART 2 – POISONS REGULATIONS 2018 AMENDED

3. Principal Regulations

In this Part, the *Poisons Regulations 2018** are referred to as the Principal Regulations.

4. Regulation 48 amended (Continued dispensing without prescription in specified circumstances)

Regulation 48 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1) “an eligible” and substituting “a”;
- (b) by omitting from subregulation (1)(b) “eligible”;
- (c) by inserting the following subregulation after subregulation (1):

(1A) A pharmaceutical chemist who supplies a restricted substance to a person under subregulation (1) must –

- (a) inform the usual prescriber for that person of the supply of the restricted substance, including particulars of the supply, as soon as

*S.R. 2018, No. 79

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practicable after the restricted substance is supplied; and

- (b) make a written record of the supply detailing the reasons for the decision to supply the restricted substance under subregulation (1).

Penalty: Fine not exceeding 10 penalty units.

- (d) by omitting the definition of *eligible restricted substance* from subregulation (2);
- (e) by omitting “*National Health (Continued Dispensing) Determination 2012*” from the definition of *National Health (Continued Dispensing) Determination* in subregulation (2) and substituting “*National Health (Continued Dispensing) Determination 2022*”;
- (f) by omitting “an eligible” from the definition of *PBS maximum quantity* in subregulation (2) and substituting “a”;
- (g) by omitting “*National Health (Listing of Pharmaceutical Benefits) Instrument 2012.*” from the definition of *PBS maximum quantity* in subregulation (2) and substituting “*National Health (Listing of Pharmaceutical Benefits) Instrument 2012;*”;

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- (h) by inserting the following definition after the definition of *PBS maximum quantity* in subregulation (2):

usual prescriber, in respect of a person being supplied with a restricted substance, means the prescriber who would ordinarily have prescribed the restricted substance for the person.

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Part 3 – Poisons Regulations 2018 Further Amended

**PART 3 – POISONS REGULATIONS 2018 FURTHER
AMENDED**

5. Principal Regulations

In this Part, the *Poisons Regulations 2018** are referred to as the Principal Regulations.

6. Regulation 29 amended (Storage of narcotic substances and prohibited substances)

The definition of *goods* in regulation 29(2) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (b) “regulation 64.” and substituting “regulation 64; or”;
- (b) by inserting the following paragraph after paragraph (b):
 - (c) substances, or a package that contains substances, that are intended to be supplied under a VAD substance prescription, within the meaning of the *End-of-Life Choices (Voluntary Assisted Dying) Act 2021*.

*S.R. 2018, No. 79

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 27 July 2022.

These regulations are administered in the Department of Health.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations amend the *Poisons Regulations 2018* by permitting –

- (a) the continued dispensing of restricted substances without prescription in specified circumstances; and
- (b) the storage of narcotic substances or prohibited substances, with substances, or a package that contains substances, that are intended to be supplied under a VAD substance prescription under the *End-of-Life Choices (Voluntary Assisted Dying) Act 2021*.