

TASMANIA

POISONS AMENDMENT REGULATIONS (No. 2) 2022

STATUTORY RULES 2022, No. 78

CONTENTS

1. Short title
2. Commencement
3. Principal Regulations
4. Regulation 3 amended (Interpretation)
5. Regulation 26 amended (Minister's authorisation for possession and supply of narcotic substance)
6. Regulation 48 amended (Continued dispensing without prescription in specified circumstances)
7. Regulation 68 amended (Minister's authorisation for possession and supply of restricted substance)
8. Part 4, Division 5A inserted
Division 5A – Non-application of section 59C
68A. Non-application of section 59C
9. Regulation 95G inserted
95G. Prescriber or dispenser not required to check monitored medicine database

**POISONS AMENDMENT REGULATIONS (No. 2)
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 24 October 2022.

B. BAKER
Governor

By Her Excellency's Command,

JEREMY ROCKLIFF
Minister for Health

1. Short title

These regulations may be cited as the *Poisons Amendment Regulations (No. 2) 2022*.

2. Commencement

These regulations take effect on
24 October 2022.

3. Principal Regulations

In these regulations, the *Poisons Regulations 2018** 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 “*TasTAFE (Skills and Training Business) Act 2021.*” from the definition of *TasTAFE CEO* and substituting “*TasTAFE (Skills and Training Business) Act 2021;*”;
- (b) by inserting the following definition after the definition of *TasTAFE CEO*:

VAD substance has the same meaning as in the *End-of-Life Choices (Voluntary Assisted Dying) Act 2021*.

5. Regulation 26 amended (Minister’s authorisation for possession and supply of narcotic substance)

Regulation 26 of the Principal Regulations is amended by inserting after paragraph (a) the following paragraph:

- (ab) where the registered nurse –

*S.R. 2018, No. 79

- (i) has, within the previous 5 years, completed approved voluntary assisted dying training within the meaning of the *End-of-Life Choices (Voluntary Assisted Dying) Act 2021*; and
- (ii) has at least 5 years' experience as a registered nurse;

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

Regulation 48(1A) of the Principal Regulations is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

7. Regulation 68 amended (Minister's authorisation for possession and supply of restricted substance)

Regulation 68 of the Principal Regulations is amended by inserting after paragraph (a) the following paragraph:

- (ab) where the registered nurse –
 - (iii) has, within the previous 5 years, completed approved voluntary assisted dying training within the meaning of the *End-of-Life Choices (Voluntary Assisted Dying) Act 2021*; and
 - (iv) has at least 5 years' experience as a registered nurse;

8. Part 4, Division 5A inserted

After regulation 68 of the Principal Regulations, the following Division is inserted in Part 4:

Division 5A – Non-application of section 59C

68A. Non-application of section 59C

In accordance with subsection (7) of section 59C of the Act, that section does not apply in respect of a prescriber or dispenser who is prescribing, dispensing, issuing or supplying a VAD substance in accordance with the *End-of-Life Choices (Voluntary Assisted Dying) Act 2021*.

9. Regulation 95G inserted

After regulation 95F of the Principal Regulations, the following regulation is inserted in Part 4A:

95G. Prescriber or dispenser not required to check monitored medicine database

For the purposes of section 38G and 38H of the Act, a prescriber or a dispenser is not required to check the monitored medicines database when prescribing, dispensing, issuing or supplying a VAD substance in accordance with the *End-of-Life Choices (Voluntary Assisted Dying) Act 2021*.

Poisons Amendment Regulations (No. 2) 2022
Statutory Rules 2022, No. 78

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

Notified in the *Gazette* on 24 October 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* to authorise the possession and supply of certain substances consistent with the *End-of-Life Choices (Voluntary Assisted Dying) Act 2021*.