

TASMANIA

**POISONS AMENDMENT (MISCELLANEOUS)
REGULATIONS 2022**

STATUTORY RULES 2022, No. 45

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**POISONS AMENDMENT (MISCELLANEOUS)
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 5 July 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 (Miscellaneous) Regulations 2022*.

2. Commencement

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

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 by omitting “Pharmacy Board of Australia” from the definition of *approved recording system* and substituting “Secretary”.

5. Regulation 12 amended (Licences to manufacture, &c., prohibited substances for scientific purposes)

Regulation 12 of the Principal Regulations is amended as follows:

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

(1A) The Minister may, on the application of a person who is in charge of a laboratory that is not an exempted public institution, grant a licence authorising that person –

*S.R. 2018, No. 79

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- (a) to manufacture, use or possess any prohibited substance specified in the licence for such purpose as is specified in the licence; or
- (b) to purchase that prohibited substance by an order written in ink from a licensed manufacturing chemist, a licensed wholesale chemist or such other person as may be specified in the licence.
- (c) by inserting in subregulation (2) “or (1A)” after “subregulation (1)”;
- (d) by inserting in subregulation (3) “or (1A)” after “subregulation (1)”;
- (e) by inserting the following subregulation after subregulation (3):

(4) In this regulation –

exempted public institution
has the same meaning as
in section 55 of the Act.

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6. Regulation 18 amended (Narcotic substances register to be kept by certain persons)

Regulation 18(5)(a) of the Principal Regulations is amended by omitting “and in accordance with the rules contained in Schedule 1”.

7. Regulation 24 amended (Prescription for certain narcotic substances to be issued only on authority of Secretary)

Regulation 24 of the Principal Regulations is amended as follows:

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

(da) esketamine;

(b) by omitting paragraph (n) and substituting the following paragraphs:

(n) phenmetrazine;

(o) tetrahydrocannabinol.

8. Regulation 54B inserted

After regulation 54A of the Principal Regulations, the following regulation is inserted in Division 2:

54B. Dental assistant may administer sodium fluoride varnish

(1) For the purposes of section 47A of the Act, a dental assistant may, subject to the

conditions specified in subregulation (2),
administer sodium fluoride varnish to a
dental patient.

(2) A dental assistant may only administer
sodium fluoride varnish if the varnish is
administered under the supervision of a
dentist, dental therapist or oral health
therapist.

(3) In this regulation –

dental assistant means a person who –

(a) has completed –

(i) a Certificate IV in Dental
Assisting (Oral Health
Promotion); and

(ii) unit of learning
HLTOHC011 (Apply
Fluoride Varnish); or

(b) has qualifications determined by
the Secretary to be equivalent to
such qualifications.

**9. Regulation 58 amended (Supply of potent
substances by pharmaceutical chemists)**

Regulation 58(7) of the Principal Regulations is
amended by inserting after paragraph (a) the
following paragraph:

(ab) salbutamol (S3) for the treatment of
acute bronchospasm;

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10. Part 4, Division 3A inserted

After regulation 61 of the Principal Regulations,
the following Division is inserted in Part 4:

Division 3A – Advertising of narcotic substances

61A. Restriction on advertising of narcotic substances

A person must not advertise a narcotic substance except in publications that circulate generally only among persons lawfully engaged in medical, dental, nurse practitioner, veterinary, optometrical, podiatric, midwifery or pharmaceutical practice or in the manufacture or supply of narcotic substances.

Penalty: Fine not exceeding 10 penalty units.

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

Regulation 68 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (d) “day-treatment centre” and substituting “day-procedure centre, within the meaning of the *Health Service Establishments Act 2006*,”;

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

(da) where the registered nurse is employed in a community mental health service approved by the Secretary and the nurse is acting in accordance with the instructions of a medical practitioner;

12. Regulation 87 amended (Prescription, &c., of certain substances prohibited, unless authorised by Secretary)

Regulation 87 of the Principal Regulations is amended by omitting subregulation (1) and substituting the following subregulation:

(1) This regulation applies to each substance that is listed in Appendix D to the Uniform Standard, as amended from time to time, subject to such limitations, or in such circumstances, as may be determined by the Secretary.

13. Regulation 91 amended (Authorisation to manufacture, &c., certain dangerous poisons)

Regulation 91(1) of the Principal Regulations is amended by omitting the definition of *prescribed dangerous poison* and substituting the following definition:

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prescribed dangerous poison means a poison listed and marked with a “P” in Part 2 of Appendix J of the Uniform Standard;

14. Regulation 111 amended (Child-resistant packaging of certain medicines)

Regulation 111 of the Principal Regulations is amended by omitting “Therapeutic Goods Order No. 65” and substituting “*Therapeutic Goods Order No. 95 – Child-resistant Packaging Requirements for Medicines 2017*”.

15. Regulation 114 amended (Labelling of dispensed medicines)

Regulation 114 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1) “and subregulation (2)”;
- (b) by inserting the following subregulation after subregulation (1):

(1A) A container that contains a scheduled substance, other than one to which subregulation (1) applies, must be labelled in accordance with –

- (a) these regulations; and
- (b) Appendix L to the Uniform Standard; and

- (c) Appendix F to the Uniform Standard if the substance is listed in Part 3 of that Appendix.

16. Regulation 127 amended (Administration of certain substances by disability service workers)

Regulation 127(1) of the Principal Regulations is amended by inserting before the definition of *specified narcotic substance* the following definitions:

Department means the department that is responsible to the Minister to whom the administration of the *Disability Services Act 2011* is assigned;

Secretary means the Secretary of the Department;

17. Schedules 1 and 2 amended

Schedules 1 and 2 to the Principal Regulations are rescinded.

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

Notified in the *Gazette* on 13 July 2022.

These regulations are administered in the Department of Health.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations make miscellaneous amendments to the *Poisons Regulations 2018*, including in relation to –

- (a) labelling requirements; and
- (b) the narcotic substances register; and
- (c) the administration of sodium fluoride varnish by dental assistants; and
- (d) various other matters.