



Australian Capital Territory

Poisons Regulation 1933

made under the

Poisons Act 1933

Republication No 7

Effective: 2 November 2004 – 3 October 2007

Republication date: 2 November 2004

Last amendment made by A2004-10
(republication includes editorial amendments
under Legislation Act)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Poisons Regulation 1933*, made under the *Poisons Act 1933* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 2 November 2004. It also includes any amendment, repeal or expiry affecting the republished law to 2 November 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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R7
02/11/04

Poisons Regulation 1933
Effective: 02/11/04-03/10/07

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Australian Capital Territory

Poisons Regulation 1933

made under the

Poisons Act 1933

1 Name of regulation

This regulation is the *Poisons Regulation 1933*.

2 Definitions for regulation

In this regulation:

Note A definition applies except so far as the contrary intention appears (see Legislation Act, s 155).

prescriber, for a prescription, means a person authorised to give the prescription.

recipient, for a prescription, means the person for whom the prescription is given and, for a prescription given for the treatment of an animal, means an owner of the animal or a person who has the care of the animal.

4 Prescriptions

- (1) Except in an emergency, a pharmacist must not dispense any prescription for the supply of a biological preparation or a restricted substance unless the prescription complies with the following conditions:
 - (a) the prescription must—
 - (i) be in writing; and
 - (ii) be dated; and
 - (iii) state the prescriber's name, address and telephone number; and
 - (iv) state the name and address of the recipient; and
 - (v) be written in terms and symbols used in ordinary professional practice; and

- (vi) if the prescription is to be dispensed more than once—state the number of times it is to be dispensed and the period that must elapse between each dispensing; and
 - (vii) if it provides for an unusual or dangerous dose—indicate that the dose is intentionally prescribed; and
 - (viii) be signed with the usual signature of the prescriber;
 - (b) if given by a dentist for the purpose of dental treatment—the prescription must be endorsed ‘For dental treatment only’;
 - (c) if given by a veterinary surgeon—the prescription must be for the purposes of treatment of animals and must be endorsed ‘For animal treatment only’.
- (2) A person must not contravene subsection (1).
- Maximum penalty: 5 penalty units.
- (3) In an emergency—
- (a) the pharmacist must comply with as many conditions under subsection (1) as are practicable; and
 - (b) if the prescription is communicated orally to the pharmacist—the person communicating it must write out the prescription promptly and ensure that it is given to the pharmacist without delay.

Maximum penalty: 5 penalty units.

5 Dispensing

- (1) A biological preparation or a restricted substance must not be dispensed by a person who is not—
- (a) a doctor, pharmacist or veterinary surgeon; or

- (b) a person acting under the direct supervision of a doctor, pharmacist or veterinary surgeon.

Maximum penalty: 5 penalty units.

- (2) The following conditions must be observed by people dispensing prescriptions containing a biological preparation or restricted substance:
 - (a) a person must not dispense a biological preparation or a restricted substance except upon a prescription complying with this regulation;
 - (b) a biological preparation or restricted substance must not be dispensed more than once on the same prescription unless the prescription indicates that it is to be dispensed a stated number of times;
 - (c) if the prescription indicates that a biological preparation or restricted substance is to be dispensed a stated number of times—the preparation or substance must not be dispensed on the prescription more than the stated number of times or more frequently than the period stated in the prescription as the period that must elapse between each dispensing;
 - (d) the prescription must be stamped, marked or inscribed in writing with the date when it is dispensed, and with the name and business address of the person who dispensed it;
 - (e) the person who dispenses the prescription for the last occasion must durably and legibly endorse the prescription with the word ‘Cancelled’;
 - (f) a person must not dispense a prescription endorsed as ‘Cancelled’ or that has, or appears to have, been written more than 12 months before its presentation;
 - (g) a person must not dispense a prescription for a substance containing a biological preparation or a restricted substance if

the person has reason to believe that the prescription is not genuine;

- (h) the label on the bottle or package containing a biological preparation or restricted substance must—
- (i) state the name of the recipient and, for a preparation or substance dispensed for an animal, the species of the animal; and
 - (ii) state the date when it was dispensed; and
 - (iii) state the name, business address and telephone number of the person who dispenses the preparation or substance; and
 - (iv) if a pharmacist is dispensing the preparation or substance and more than 1 pharmacist is dispensing at the same place at that time—include the initials or other identification of the pharmacist who dispenses the preparation or substance; and
 - (v) state the prescription reference or identifying number that appears in the record of prescriptions kept where the preparation or substance is dispensed; and
 - (vi) describe the contents of the preparation or substance using the name given by the manufacturer or its generic name; and
 - (vii) state the form, strength and quantity of the contents; and

Example—

Prozac Capsules 20mg 28

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (viii) contain adequate directions for the safe and proper use of the preparation or substance; and

- (ix) contain any warning statement in the drugs and poisons standard, appendix K, or part 3, paragraph 45, applying to the preparation or substance; and
 - (x) contain words to the effect ‘Keep out of the reach of children’;
 - (i) the record of prescriptions must be kept at the place where the drug is dispensed and must at all reasonable times be produced when demanded by an authorised person;
 - (j) a person must not dispense a prescription that is illegible or defaced or that appears to have been altered;
 - (k) a prescription for a substance containing a biological preparation or restricted substance must be kept by the pharmacist to whom it is presented, whether or not the prescription has been dispensed, if—
 - (i) the pharmacist suspects that the prescription is forged or fraudulently issued; or
 - (ii) the prescription does not contain the signature of a person authorised to prescribe it.
- (3) A person must not contravene subsection (2).

Maximum penalty: 5 penalty units.

6 Periods for which books etc are to be preserved

All books, records and documents that are required to be kept for a prescribed period must (unless otherwise prescribed), for books or records, be preserved for 2 years from the date when the last entry is made, and, for any document, for 2 years from the date when it is first received.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

| | |
|---|---|
| am = amended | ord = ordinance |
| amdt = amendment | orig = original |
| ch = chapter | par = paragraph/subparagraph |
| def = definition | pres = present |
| dict = dictionary | prev = previous |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously |
| div = division | pt = part |
| exp = expires/expired | r = rule/subrule |
| Gaz = gazette | renum = renumbered |
| hdg = heading | reloc = relocated |
| IA = Interpretation Act 1967 | R[X] = Republication No |
| ins = inserted/added | RI = reissue |
| LA = Legislation Act 2001 | s = section/subsection |
| LR = legislation register | sch = schedule |
| LRA = Legislation (Republication) Act 1996 | sdiv = subdivision |
| mod = modified/modification | sub = substituted |
| o = order | SL = Subordinate Law |
| om = omitted/repealed | <u>underlining</u> = whole or part not commenced or to be expired |

Endnotes

3 Legislation history

3 Legislation history

This regulation was originally called the *Poisons Regulations* and was originally made under a Commonwealth ordinance—the *Poisons and Drugs Ordinance 1933* No 37 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT, and the regulations made under them, into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. The *Poisons and Drugs Ordinance 1933* and the *Poisons Regulations* were converted into ACT enactments on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name of the ordinance was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

This regulation was renamed by the *Health and Community Care Legislation Amendment Act 2000* No 28 (see sch 3) and under the *Legislation Act 2001*.

Before 11 May 1989, section commenced on notification day unless otherwise stated (see *Interpretation Ordinance 1914*, s 5, *Interpretation Ordinance 1937* s 16, *Interpretation Act 1967* s 50, *Subordinate Laws Act 1989* s 6).

Legislation before becoming Territory enactment

Poisons Regulation 1933

notified 21 December 1933
commenced 1 January 1934

as amended by

Poisons Regulations 1963 No 2

notified 13 June 1963
commenced 13 June 1963

Poisons Regulations 1976 No 22

notified 3 November 1976
commenced 3 November 1976

Poisons Regulations 1977 No 4

notified 22 February 1977
commenced 22 February 1977

Poisons Regulations 1979 No 3

notified 7 March 1979
commenced 7 March 1979

Poisons Regulations 1979 No 26

notified 29 November 1979
commenced 29 November 1979

Poisons Regulations 1980 No 3

notified 25 March 1980
commenced 25 March 1980

Poisons Regulations 1988 No 13

notified 1 July 1988
commenced 2 July 1988

Poisons Regulations 1989 No 5

notified 15 March 1989
commenced 15 March 1989

Legislation after becoming Territory enactment**Health Services (Consequential Provisions) Act 1990 No 63 sch 2**

notified 28 December 1990
s 1, s 2 commenced 28 December 1990 (s 2 (1))
sch 2 commenced 31 January 1991 (s 2 (2) and Gaz 1991 No S4)

Health (Consequential Provisions) Act 1993 No 14 sch 2

notified 1 March 1993
sch 2 commenced 1 March 1993 (s 2)

Public Health (Miscellaneous Provisions) Act 1997 No 70 sch 2

notified 9 October 1997
s 1, s 2 commenced 9 October 1997 (s 2 (1))
sch 2 commenced 13 August 1998 (s 2 (2) and Gaz 1998 No S185)

**Health and Community Care Legislation Amendment Act 2000
No 28 sch 3**

notified 30 June 2000 (Gaz 2000 No S30)
s 1, s 2 commenced 30 June 2000 (IA s 10B)
sch 3 commenced 1 July 2000 (s 2)

Endnotes

4 Amendment history

Legislation (Consequential Amendments) Act 2001 No 44 pt 288

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 288 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Nurse Practitioners Legislation Amendment Act 2004 A2004-10 pt 7

notified LR 19 March 2004

s 1, s 2 commenced 19 March 2004 (LA s 75 (1))

pt 7 commenced 27 May 2004 (s 2 and CN2004-9)

4 Amendment history

Preliminary

pt 1 hdg om 1980 No 3

Name of regulation

s 1 sub Act 2000 No 28 sch 3
am R7 LA

Definitions for regulation

s 2 orig s 2 am 1963 No 2
om 1976 No 22
ins Act 2000 No 28 sch 3
am Act 2001 No 44 amdt 1.3229
def **the Act** om Act 2001 No 44 amdt 1.3230

Licences

s 3 am 1963 No 2; 1989 No 5; Act 1997 No 70
sub Act 2000 No 28 sch 3
om Act 2001 No 44 amdt 1.3231

Prescriptions

s 4 orig s 4 am 1977 No 4; 1988 No 13; 1989 No 5; Act 1990
No 63 sch 2; Act 1997 No 70 sch 2
om Act 2000 No 28 sch 3
(prev s 12) am 1963 No 2; 1979 No 3; 1989 No 5; Act 2000 No
28 sch 3
renum R4 LRA (see Act 2000 No 28 sch 3)

The sale of poisons and poisonous substances

pt 2 hdg om 1979 No 26

Dispensing

s 5 orig s 5 om 1979 No 3
(prev s 13) am 1963 No 2; 1979 No 26; 1989 No 5; Act 2000
No 28 sch 3; R4 LRA (see Act 2000 No 28 sch 3)
renum R4 LRA (see Act 2000 No 28 sch 3)
am A2004-10 s 20

Periods for which books etc are to be preserved

s 6 orig s 6 om 1979 No 3
(prev s 23) am 1979 No 26
renum R4 LRA (see Act 2000 No 28 sch 3)

Requirements to be complied with

s 7 am 1977 No 4
om 1979 No 3

The sale of methylated spirit

pt 3 hdg om 1979 No 26

Sale of methylated spirit

s 8 am 1976 No 22
om 1979 No 3

Vendor of methylated spirit to hold licence

s 9 om 1979 No 3

Hours of sale

s 10 am 1977 No 4
om 1979 No 3

The sale of narcotic drugs

pt 4 hdg sub 1963 No 2
om 1979 No 26

Non-application of Part 4

s 11 om 1979 No 3

Marking of containers with amount of narcotic drug contained therein

s 14 om 1979 No 3

Label to be affixed when prescription last dispensed

s 15 om 1979 No 3

Narcotic drugs to be locked up in cupboard

s 16 sub 1977 No 4
om 1989 No 5

Storage of narcotic drugs by pharmacists etc

s 16A ins 1977 No 4
am 1988 No 13
om 1989 No 5

Endnotes

4 Amendment history

Requirements for cabinets

s 16B ins 1977 No 4
am 1979 No 26; 1988 No 13
om 1989 No 5

Persons selling narcotic drugs to comply with certain requirements

s 17 am 1977 No 4
om 1979 No 3

Records to be kept by medical practitioners etc

s 18 om 1979 No 3

Records to be kept by pharmacists

s 19 om 1979 No 3

Supply of narcotic drugs for the purpose of addiction

s 20 om 1979 No 3

Delivery of narcotic drugs to unauthorised persons

s 21 om 1979 No 3

Records to be kept by manufacturers

s 22 am 1977 No 4; 1979 No 26; 1988 No 13
om 1989 No 5

Miscellaneous

pt 5 hdg om 1980 No 3

Penalties

s 24 am 1977 No 4
om Act 2000 No 28 sch 3

Licence

sch sub 1977 No 4
am 1988 No 13; 1989 No 5; Act 1990 No 63; Act 1993 No 14;
Act 1997 No 70
om Act 2000 No 28 sch 3

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

| Republication No | Amendments to | Republication date |
|------------------|----------------|--------------------|
| 1 | SL 1989 No 5 | 30 June 1991 |
| 2 | Act 1993 No 14 | 30 November 1996 |
| 3 | Act 1997 No 70 | 31 July 1999 |
| 4 | Act 2000 No 28 | 28 August 2000 |
| 5 | A2001-44 | 7 December 2001 |
| 6 | A2004-10 | 27 May 2004 |

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