E/NL 1951/33
14 May 1951

UNITED NATIONS

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE CONVENTION OF 13 JULY 1931 FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

AUSTRALIA

COMMUNICATED BY THE GOVERNMENT OF

AUSTRALIA

NOTE BY THE SECRETARY-GENERAL

In accordance with Article 21 of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to communicate the following legislative text.

New York, 1951

Original: English

TASMANIA

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October 26, 1949, page 2956

GOVERNMENT NOTICE.

No. 377

Regulations under the Poisons Act, 1916.

I, Sir Thomas Hugh Binney, Knight Commander of the Most Honourable Order of the Bath, Companion of the Distinguished Service Order, Admiral on the Retired List of the Royal Navy, Governor in and over the State of Tasmania and its Dependencies, in the Commonwealth of Australia, acting with the advice of the Executive Council, hereby make the following regulations under the Poisons Act, 1916.

Dated this 20th day of October, 1949.

Governor.

By His Excellency's Command,

Chief Secretary.

THE POISONS REGULATIONS, 1949

Short Title and Repeal

1.--(1) These regulations may be cited as the Poisons Regulations, 1949.

(2) All regulations heretofore made under the Act are rescinded.

Poisons Kept by Others than Pharmaceutical Chemists

8. No person, other than a registered pharmaceutical chemist, having the custody of any poison, shall remove the poison from the original package or container, duly labelled as prescribed, in which the same was sold to him.

Person in Charge of Poisons

9.--(1) Any person, being the owner or person in possession of any poison, who carelessly leaves it in any place easily accessible to others shall be guilty of a breach of these regulations.

(2) Without prejudice to the generality of the provisions of clause (1), a poison shall, for the purposes of this regulation, be deemed to have been left in a place easily accessible to persons other than the owner or person in possession of the poison if it is left in any place where articles of food or drink are usually kept, or on any mantelpiece, window-ledge, shelf, or similar place to which access may readily be obtained.

Sale of Hypnotics and Certain Other Drugs

10.--(1) No person shall, except on the written prescription or order of a duly qualified medical practitioner, sell any of the following poisons, namely:--

(a) Barbituric acid, and all organic or metallic derivatives of barbituric acid (whether described as veronal, veramon, proponal, medinal, barbital, dial, luminal or luminal sodium, phenobarbital or phenobarbital sodium, or by any other trade name, mark, or designation), and all preparations containing 2 per cent or more of barbituric acid or its derivatives;

(b) Chloral hydrate and all solutions and preparations thereof containing 5 per cent or more of chloral hydrate;

(c) Cocaine and its salts and all preparations thereof containing 0.1 per cent or more of cocaine;

(d) Codeine and its salts and all preparations containing 1 per cent or more of codeine;

(e) Ecgonine and its salts and derivatives and all preparations or admixtures containing 0.1 per cent or more of ecgonine;

(f) Ergot and all preparations and admixtures thereof;

(g) Heroin (diacetyl morphine or diamorphine) and its salts and all preparations and admixtures containing 0.1 per cent or more of heroin;

(h) Morphine and its salts and poisonous derivatives and all preparations and admixtures containing 0.2 per cent or more of morphine calculated as anhydrous morphine;

(i) Opium and all preparations and admixtures thereof containing 0.2 per cent or more of morphine calculated as anhydrous morphine;

(j) Paraldehyde;

(k) Sulphonal and its homologues, whether described as tetronal, trional, or by any other trade name, mark, or designation, and all preparations or admixtures thereof, and all other synthetic hypnotic substances;

(l) Sulphonamides for human use and all preparations and admixtures thereof;

(m) Benzedrine in any form, other than when used for inhalations:

(n) Penicillin and its salts and any preparation, admixture, extract, or other substance containing any proportion thereof;

(o) Benadryl and allied compounds;

(p) Ethyl- 1 -methyl- 4 -phenylpiperidine- 4 -carboxylate and its salts (known as "Pethidine", "Dolantin", "Dolantal", and "Demorol");

(q) Amidone (dl-2-dimethylamino-4: 4-diphenyl heptane-5-one), its salts and any preparation, admixture, extract, or other substance containing any proportion of amidone;

(r) Methyldihydromorphinone (commonly known as Metopon), its salts and any preparation, admixture, extract, or other substance containing any proportion of methyldihydromorphinone.

(2) The provisions of clause (1) of this regulation shall not apply to the sale of --

(a) preparations for the eyes, ears, nose, or throat containing not more than 1 per cent of cocaine, or cocaine hydrochloride, when prescribed by a duly qualified medical practitioner, and when denatured by the addition of aqua formol, or any solution of adrenalin, salts of zinc, copper, or mercury, or rendered unsuitable for continued internal use or for hypodermic use;

(b) eye drops denatured as specified in paragraph (a) of this clause, containing not more then 2 per cent of cocaine, for the purpose of first-aid in any factory or workshop registered under the Factories Act, 1910, supplied by a registered pharmaceutical chemist on the written order of the occupier of such factory or workshop;

(c) ointments containing not more than 4 per cent of cocaine, or cocaine hydrochloride, when prescribed by a duly qualified medical practitioner;

(d) preparations used as ingredients in veterinary medicines; provided that such liniments, ointments, preparations, or medicines are sold in good faith, and not in evasion or attempted evasion of these regulations;

(e) tincture of opium (Laudanum); provided that the seller is satisfied that the drug is required for veterinary purposes only, and that the signature of the purchaser, and the purpose for which the drug is required, are inserted in the poisons book kept by the seller;

(f) any of the substances, preparations, and solutions referred to in paragraphs (a), (c), (e) and (j) of clause (1) of this regulation to registered dentists in the ordinary course of their business, and upon the delivery of a written order to the seller signed by the person requiring such poison;

(g) preparations containing not more than ½ grain per dose of barbituric acid, or organic or metallic derivatives of barbituric acid, and not less than 5 grains of theobrome;

(h) preparations containing not more than ½ grain per dose of barbituric acid, or organic or metallic derivatives of barbituric acid, and not less than ¼ grain of ephedrine;

(i) preparations containing not more than ½ grain per dose of barbituric acid, or organic or metallic derivatives of barbituric acid, and not less than 1½ grains of aminophyllin.

(3) The following provisions shall apply in respect of the poisons referred to in clause (1) of this regulation, that is to say:--

(a) All prescriptions shall be in writing, and shall be dated and signed with the usual signature of the medical practitioner issuing them, and shall specify his own address and the name and address of the person for whom the prescription is given;

(b) No pharmaceutical chemist shall repeat any such prescription if it does not state the number of times which it may be dispensed;

(c) A pharmaceutical chemist or assistant may dispense an emergency prescription given orally; provided that such prescription shall forthwith be reduced into writing by the chemist or assistant, and such writing retained in the prescription-book as a record of the prescription;

(d) No person, other than a medical practitioner, shall dispense any of such poisons except upon a prescription complying with these regulations, or without making an exact copy of such prescription in a prescription-book to be kept for the specific purpose of recording prescriptions received for the purpose of being dispensed;

(e) A medical practitioner, a registered pharmaceutical chemist, or an assistant or apprentice under direct personal supervision and control of a medical practitioner or a registered pharmaceutical chemist, shall be the only persons who shall dispense any such poison;

(f) No such person shall be supplied by a pharmaceutical chemist, or an assistant, or apprentice more than once on the same prescription, unless the prescription so directs, and then only at such intervals, and for such number of times, respectively, as directed in the prescription;

(g) Every prescription shall be stamped, marked, or inscribed in writing with the date on which it is dispensed, and with the name and address of the person who dispenses it;

(h) The person, other than a medical practitioner, who dispenses the prescription for the last occasion shall, in addition to the requirements mentioned in paragraph (c) of this clause, also write, stamp, mark, or inscribe in durable and legible letters across the prescription the word "cancelled";

(i) A prescription on which the word "cancelled" has been written, stamped, or marked pursuant to paragraph (h) of this clause shall be retained by the person lawfully dispensing the same, and shall be preserved in a file for two years;

(j) No person shall dispense any prescription containing any of such poisons if he has any reason to believe that the prescription is not genuine;

(k) In the case of a repeated prescription, an entry in the prescription-book of the particulars of the repetition signed or initialled, and dated when dispensed, shall be a sufficient compliance with this clause;

(l) The label on the bottle or package containing the poison shall be marked with the identifying letters or number of the prescription as appearing in the prescription-book;

(m) The prescription-book shall be kept at the place at which the poison is dispensed, and shall, at all reasonable times, be produced, on demand, to any person authorized in that behalf under the Act or these regulations;

(n) No person shall dispense any prescription which is illegible or defaced, or which appears to have been altered; and

(o) No prescription which is suspected by a registered pharmaceutical chemist to be forged, or to have been fraudulently issued, or not to bear the signature of a medical practitioner, shall be dispensed by such registered pharmaceutical chemist.

Persons Becoming Vendors of Poisons to Give Notice to Board

14. Every person, not being a seller of poison at the date of the commencement of these regulations, shall, within one week of his becoming a vendor of poison, give notice in writing thereof to the Registrar.

Penalty

16. Every person contravening or failing to comply with any of the provisions of these regulations for which no other penalty is prescribed shall be liable to a penalty of five pounds.

I certify that the foregoing regulations are in accordance with the law.

Attorney-General