

South Australia

Controlled Substances (Poisons) Variation Regulations 2007

under the *Controlled Substances Act 1984*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Controlled Substances (Poisons) Variation Regulations 2007*.

2—Commencement

These regulations come into operation on 1 March 2007.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Controlled Substances (Poisons) Regulations 1996*

4—Variation of regulation 25—How prescription to be given

- (1) Regulation 25(1)—delete "subregulation (2)" and substitute:
this regulation
 - (2) Regulation 25(3)—after "If" insert:
, in accordance with subregulation (2),
-

- (3) Regulation 25(4)—after "If" insert:
 - , in accordance with subregulation (2),
- (4) Regulation 25—after subregulation (4) insert:
 - (5) The Minister may exempt a prescriber or class of prescribers from the operation of this regulation if satisfied that the prescriber or class of prescribers has adequate arrangements for the electronic transmission of prescriptions.
 - (6) An exemption under subregulation (5)—
 - (a) may be subject to such conditions as the Minister thinks fit; and
 - (b) may be varied or revoked by the Minister at any time by notice in writing.

5—Variation of regulation 26—Contents of prescription

- (1) Regulation 26(1)(a)—delete paragraph (a)
- (2) Regulation 26(1)(b)—delete "personally"
- (3) Regulation 26—after subregulation (3) insert:
 - (4) For the purposes of this regulation, a prescriber who, in accordance with the terms of an exemption under regulation 25(5) is permitted to transmit prescriptions electronically, will be taken to have signed a prescription as required by subregulation (1), or signed a portion of a prescription as required by subregulation (2), if the prescriber attaches an electronic signature to the prescription in accordance with any conditions of the exemption.

6—Variation of regulation 27—Dispensing prescriptions

- (1) Regulation 27(1)(a)—delete "write in ink on the face or back of" and substitute:
 - endorse on
- (2) Regulation 27(1)(c)(ii)—delete subparagraph (ii) and substitute:
 - (ii) endorse on the prescription "CANCELLED"; and
- (3) Regulation 27(1)(f)(i)—delete "write "CANCELLED" on the prescription" and substitute:
 - endorse on the prescription "CANCELLED"
- (4) Regulation 27(5)(a)(i)—after "is presented" insert:
 - or otherwise sought to be dispensed
- (5) Regulation 27(5)—after paragraph (c) insert:
 - ; or
 - (d) if the prescription has been transmitted electronically—unless the prescription is able to be dispensed by the pharmacist or medical practitioner in accordance with the terms of an exemption under subregulation (6a).

(6) Regulation 27—after subregulation (6) insert:

- (6a) The Minister may exempt a pharmacist or medical practitioner, or a class of pharmacists or medical practitioners, from this regulation or specified provisions of this regulation if satisfied that the pharmacist or medical practitioner, or class of pharmacists or medical practitioners, has adequate arrangements for dispensing prescriptions that have been transmitted electronically.
- (6b) An exemption under subregulation (6a)—
 - (a) may be subject to such conditions as the Minister thinks fit; and
 - (b) may be varied or revoked by the Minister at any time by notice in writing.

7—Variation of regulation 30—Additional requirements for Nalbuphine

Regulation 30(1)(b)—delete paragraph (b) and substitute:

- (b) when a pharmacist cancels a prescription for Nalbuphine after dispensing the prescription for the drug for the last time, he or she must—
 - (a) forward the cancelled prescription to the Department at the end of the month in which the drug was dispensed; or
 - (b) if the prescription was transmitted electronically and the pharmacist is, in accordance with the terms of an exemption under regulation 27(6a), able to dispense the prescription—deal with it in accordance with the conditions of the exemption;

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

after consultation with the Advisory Council and with the advice and consent of the Executive Council

on 1 March 2007

No 13 of 2007

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