

South Australia

# **Controlled Substances (Poisons) (Psilocybine and MDMA) Amendment Regulations 2023**

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) (Psilocybine and MDMA) Amendment Regulations 2023*.

### **2—Commencement**

These regulations come into operation on 1 July 2023.

## **Part 2—Amendment of *Controlled Substances (Poisons) Regulations 2011***

### **3—Insertion of regulation 20**

After regulation 19 insert:

#### **20—Regulation of prescription drugs—prescription of certain S8 poisons by medical practitioners (section 18(2) of Act)**

- (1) For the purposes of section 18(2) of the Act—
    - (a) each of the S8 poisons listed in column 1 of the table below, when used for the purpose set out in column 2, is a prescribed prescription drug; and
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- (b) the qualifications and requirements specified in that table alongside a drug in column 3 are prescribed qualifications and requirements.

	<b>Prescription drug</b>	<b>Use</b>	<b>Qualifications and requirements</b>
1	N, $\alpha$ -dimethyl-3,4-(methylenedioxy)phenylethylamine (MDMA)	Human use, for the treatment of post-traumatic stress disorder	A medical practitioner— (a) who is registered in the specialty of psychiatry; and (b) for whom an authority under section 19(5) of the Commonwealth Act that covers MDMA is in force.
2	Psilocybine (Psilocybin)	Human use, for the treatment of treatment-resistant depression.	A medical practitioner— (a) who is registered in the specialty of psychiatry; and (b) for whom an authority under section 19(5) of the Commonwealth Act that covers psilocybine is in force.

- (2) A medical practitioner who prescribes an S8 poison listed in the table in subregulation (1) must, within 1 business day of prescribing the poison and for the purposes of the Chief Psychiatrist performing the Chief Psychiatrist's functions under the *Mental Health Act 2009*, give notice to the Chief Psychiatrist—
- (a) in a form determined by the Chief Psychiatrist; and
  - (b) containing such information as the Chief Psychiatrist may determine.

#### **4—Insertion of regulation 44A**

After regulation 44 insert:

##### **44A—Special provisions relating to the supply and administration of certain drugs of dependence**

- (1) A drug of dependence to which this regulation applies may only be supplied or administered to a person for whom it has been prescribed—
- (a) by the medical practitioner who prescribed the drug of dependence for the person; and
  - (b) at a prescribed health service facility; and

- (c) in accordance with an approved treatment protocol.
- (2) A person who supplies or administers a drug in contravention of subregulation (1) commits an offence.

Maximum penalty: \$5 000.

- (3) This regulation applies in relation to the following drugs of dependence:
- (a) N, $\alpha$ -dimethyl-3,4-(methylenedioxy)phenylethylamine (MDMA);
- (b) Psilocybine (Psilocybin).

- (4) In this regulation—

***approved treatment protocol*** means a treatment protocol which has been approved by an ethics committee;

***ethics committee*** has the same meaning as in the Commonwealth Act;

***prescribed health service facility*** means—

- (a) an approved treatment centre or authorised community mental health facility (both within the meaning of the *Mental Health Act 2009*); or
- (b) any other health service facility, or health service facility of a class, determined by the Minister by notice in the Gazette to be a prescribed health service facility for the purposes of this regulation.

**Editorial note—**

As required by section 10AA(2) of the *Legislative Instruments 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 by the Minister with the Controlled Substances Advisory Council and with the advice and consent of the Executive Council  
on 29 June 2023

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