



Epidemic Preparedness (Medicines Act 1981— COVID-19) Immediate Modification Order 2022

Cindy Kiro, Governor-General

Order in Council

At Wellington this 2nd day of February 2022

Present:

The Right Hon Jacinda Ardern presiding in Council

This order is made under section 14 of the Epidemic Preparedness Act 2006—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Health made after receipt from the Director-General of Health of a written recommendation stating the matter required by section 14(2) of that Act.

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Order

1 Title

This order is the Epidemic Preparedness (Medicines Act 1981—COVID-19) Immediate Modification Order 2022.

2 Commencement

This order comes into force on 3 February 2022.

3 Enactment to which modifications made

This order modifies requirements imposed by the Medicines Act 1981 (the Act).

4 Requirement that only authorised prescriber may administer or procure medicine modified

Section 25 of the Act has effect as if the following were inserted after section 25(3):

- (4) The Director-General may, by written notice, specify a person or class of persons to administer or procure the administration of a third dose of the Pfizer/BioNTech (Comirnaty, Tozinameran, BNT162b2) vaccine to any person who—
 - (a) is aged 18 years or older; and
 - (b) received their second dose of the Pfizer/BioNTech (Comirnaty, Tozinameran, BNT162b2) vaccine at least 3 months before the date on which the third dose is administered to that person.
- (5) A person or class of persons specified under subsection (4) does not require a prescription in order to administer or procure a third dose of the Pfizer/BioNTech (Comirnaty, Tozinameran, BNT162b2) vaccine.
- (6) Subsections (4) and (5) apply despite sections 17 to 24.
- (7) To avoid doubt, a third dose of the Pfizer/BioNTech (Comirnaty, Tozinameran, BNT162b2) vaccine administered or procured in accordance with subsection (4) is not a new medicine for the purposes of its administration or the procurement of its administration by a person or class of persons specified under subsection (4).

5 Revocation of Epidemic Preparedness (Medicines Act 1981—COVID-19) Immediate Modification Order 2021

The Epidemic Preparedness (Medicines Act 1981—COVID-19) Immediate Modification Order 2021 (SL 2021/438) is revoked.

6 Revocation of this order

This order is revoked when the Epidemic Preparedness (COVID-19) Notice 2020 expires or is revoked.

Diana Hawker,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order is made under the Epidemic Preparedness Act 2006. It comes into force on 3 February 2022 and is revoked when the Epidemic Preparedness (COVID-19) Notice 2020 expires or is revoked. It revokes and replaces the Epidemic Preparedness (Medicines Act 1981—COVID-19) Immediate Modification Order 2021 (the **2021 Modification Order**) and modifies the requirements imposed by the Medicines Act 1981 (the **Act**) to enable the effective management of COVID-19 or its effects (or both).

The modifications to section 25 of the Act facilitate the administration by persons other than authorised prescribers of a third dose of the Pfizer/BioNTech (Comirnaty, Tozinameran, BNT162b2) (the **COVID-19 Pfizer vaccine**) at a dose interval of 3 months, rather than the current approved period of 4 months (as currently modified by the 2021 Modification Order). This is to ensure that third doses of the COVID-19 Pfizer vaccine are more accessible to the public and to continue the 2021 Modification Order's intention that these doses can be provided by a wider vaccinator workforce in order to mitigate the public health risk posed by COVID-19.

Clause 4 modifies the requirement in section 25 of the Act that only an authorised prescriber may administer or procure the administration of medicines (in this case, the COVID-19 Pfizer vaccine). *New section 25(4)* provides that the Director-General of Health may, by written notice, authorise a person or class of persons (**vaccinators**) to administer the COVID-19 Pfizer vaccine to a person who is aged 18 years or older, and who received their second dose of the COVID-19 Pfizer vaccine at least 3 months before the date on which the third dose is administered to that person. *New section 25(5)* clarifies that a vaccinator does not require a prescription in order to administer or procure a third dose. *New section 25(7)* provides that, to avoid doubt, a third dose of the COVID-19 Pfizer vaccine administered or procured in accordance with *new section 25(4)* is not to be considered a new medicine for the purposes of its administration or procurement by a vaccinator.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 2 February 2022.
This order is administered by the Ministry of Health.