



ANALYSIS

Title
1. Short Title

2. Exemptions in respect of importation
by the Crown

1989, No. 59

An Act to amend the Medicines Act 1981

[31 July 1989]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Medicines Amendment Act 1989, and shall be read together with and deemed part of the Medicines Act 1981 (hereinafter referred to as the principal Act).

2. Exemptions in respect of importation by the Crown—The principal Act is hereby amended by inserting, after section 32, the following section:

“32A. (1) Notwithstanding anything in this Act or in any other Act, in respect of any medicine approved for the purposes of this section by the Director-General the Crown may—

“(a) Import the medicine into New Zealand; and

“(b) Sell the medicine, or distribute it by way of gift or loan or sample or in any other way, or advertise it for sale, or advertise the availability of it,—

and, in doing any of those things, it shall not be necessary for the Crown to comply with any of the provisions of this Act or of any other Act.

“(2) Notwithstanding section 20 or section 24 of this Act, in respect of any medicine imported by the Crown under subsection (1) of this section, any person who holds a licence to sell that medicine by wholesale may sell the medicine, or distribute it by way of gift or loan or sample or in any other way, or advertise it for sale, or advertise the availability of it.

“(3) Notwithstanding subsection (2) (b) of section 25 of this Act, in respect of any medicine imported by the Crown under subsection (1) of this section, paragraphs (b), (c), (e), and (f) of subsection (1) of that section shall apply whether or not the medicine is intended to be administered to a particular patient who is known and identifiable at the time when the medicine is sold or supplied to the practitioner.

“(4) Notwithstanding section 20 or section 24 of this Act, in respect of any medicine imported by the Crown under subsection (1) of this section,—

“(a) Any pharmacist employed in a hospital may, in the course of that pharmacist’s employment as a pharmacist in that hospital, sell the medicine, or distribute it by way of gift or loan or sample or in any other way, or advertise it for sale, or advertise the availability of it; and

“(b) Any other pharmacist may, in any pharmacy, sell the medicine, or distribute it by way of gift or loan or sample or in any other way, or advertise it for sale, or advertise the availability of it.

“(5) Nothing in subsection (4) of this section shall affect any duty or obligation imposed on any pharmacist in relation to the sale, supply, or dispensing of any medicine under the Social Security Act 1964.

“(6) The powers conferred by subsections (1) to (4) of this section to do anything in respect of any medicine include the power to do likewise in respect of any advertising material, container, label, labelling material, or package (as those terms are defined in section 2 of this Act), or any data sheet or other written or printed material, relating to that medicine.

“(7) Neither the Crown nor any other person shall be liable in any civil or criminal proceedings under any enactment or rule of law for or in respect of anything done by the Crown or that other person acting in pursuance of any power conferred by this section.

“(8) In this section the term ‘sell’ includes the matters specified in paragraphs (a) to (c) of the definition of that term in section 2 of this Act.”