

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 8 September 1981

MEDICINES BILL

Proposed Amendments

HON. Mr GAIR, in Committee, to move the following amendments:

Clause 2: To insert in line 5 on page 5, after the word “medicine”, the words “or device”.

To insert in line 8 on page 8, after the words ““new medicine””, the words ““pharmacy-only medicine””.

Clause 3: To insert in line 37 on page 11, after the word “Act”, the words “or by a notice given under section 99 of this Act”.

To insert in line 41 on that page, and also in line 16 on page 12, after the word “pharmacy” in each case, the words “or a hospital”.

To insert in line 5 on page 12, after the word “Act”, the words “or by a notice given under section 99 of this Act”.

To insert in line 12 on that page, after the word “Act”, the words “or by a notice given under section 99 of this Act”.

Clause 16: To insert in line 10 on page 22, and also in line 13 on that page, after the word “pharmacy” in each case, the words “or a hospital”.

Clause 55: To omit from line 31 on page 62 the words “or paragraph (c)”.

Proposed new clause 91A: To insert on page 98, after clause 91, the following clause:

91A. Director-General to publish lists of general sale medicines—(1) The Director-General shall from time to time, in such manner as he thinks fit, publish a list or lists of general sale medicines.

(2) In this section “general sale medicines” means medicines that may be lawfully sold in New Zealand, other than prescription medicines, restricted medicines, and pharmacy-only medicines.

Clause 99: To omit the clause on page 108, and substitute the following clause:

99. Minister may classify medicines by notice in the Gazette—(1) The Minister may, by notice in the *Gazette*, declare any medicine to be a prescription medicine or a restricted medicine or a pharmacy-only medicine.

(2) To the extent that any such notice is inconsistent with any provisions of any regulations made under section 98 (1) (j) of this Act, those provisions shall cease to have effect while the notice remains in force.

(3) Subject to subsection (4) of this section, every notice given under this section shall, unless sooner revoked by the Minister, remain in force for a period of 6 months commencing with the date on which it comes into force, and shall then cease to have effect.

(4) Before the expiry of any such notice, the Minister may, by notice in the *Gazette*, extend its term for a further period of 6 months commencing with the date on which it would otherwise expire, but no such notice shall be in force for more than 12 months in the aggregate.

EXPLANATORY NOTE

Clause 2: The first amendment corrects a drafting error in the Bill as introduced.

The second amendment is consequential upon amendments made by the Health and Welfare Committee.

Clause 3: The first, third, and fourth amendments are consequential upon the proposed new *clause 99*.

The second amendment recognises that pharmacy-only medicines may be sold in hospitals as well as pharmacies.

Clause 16: The amendment allows prescription medicines, restricted medicines, and pharmacy-only medicines to be sold in hospitals.

Clause 55: The amendment excludes from the ambit of the defence in *subclause (3)* claims of a kind referred to in *paragraph (c)* of *subclause (1)*.

Proposed clause 91A: This requires the Director-General to issue lists of general sale medicines; that is, those medicines that may be lawfully sold in New Zealand, other than prescription medicines, restricted medicines, and pharmacy-only medicines.

Clause 99: The new clause permits the Minister to classify medicines by notice in the *Gazette*. To the extent that any such notice is inconsistent with any regulations made under *clause 98 (1) (j)* of the Bill, the notice will prevail. No notice can continue in force for more than 6 months, except that the Minister may renew a notice for 1 further term of 6 months.
