

**1978/52**

## THE POISONS REGULATIONS 1964, AMENDMENT NO. 13

KEITH HOLYOAKE, Governor-General

### ORDER IN COUNCIL

At the Government Buildings at Wellington this 13th day of March 1978

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to the Poisons Act 1960, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

### ANALYSIS

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|---|---|
| 1. Title and commencement   | 10. New Second Schedule poisons   |
| 2. Prescription poisons   | 11. Further amendments to Second Schedule to principal regulations            |
| 3. Duties of person dispensing  | 12. New restricted poisons  |
| 4. Containers   | 13. Further amendments to Third Schedule to principal regulations             |
| 5. On containers of certain hair dyes, etc.                                     | 14. New poisonous substances  |
| 6. On containers of preparations containing hexachlorophane                     | 15. Further amendments to Fourth Schedule to principal regulations            |
| 7. Restrictions on package, storage, or sale of Fifth Schedule substances, etc. | 16. New prescription poisons  |
| 8. New First Schedule poisons   | 17. Further amendments to Part I of Seventh Schedule to principal regulations |
| 9. Further amendments to First Schedule to principal regulations                | Schedules   |

### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Poisons Regulations 1964, Amendment No. 13, and shall be read together with and deemed part of the Poisons Regulations 1964\* (hereinafter referred to as the principal regulations).

\*S.R. 1964/64

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|-------------------|---------------|
| Amendment No. 1:  | S.R. 1966/84  |
| Amendment No. 2:  | S.R. 1967/250 |
| Amendment No. 3:  | S.R. 1969/95  |
| Amendment No. 4:  | S.R. 1969/193 |
| Amendment No. 5:  | S.R. 1971/55  |
| Amendment No. 6:  | S.R. 1972/53  |
| Amendment No. 7:  | S.R. 1972/163 |
| Amendment No. 8:  | S.R. 1973/111 |
| Amendment No. 9:  | S.R. 1974/93  |
| Amendment No. 10: | S.R. 1974/133 |
| Amendment No. 11: | S.R. 1975/25  |
| Amendment No. 12: | S.R. 1977/130 |

(2) Subject to regulation 2 (3) of these regulations, these regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

**2. Prescription poisons**—(1) Regulation 7 of the principal regulations (as amended by regulation 22 (3) of the Poisons Regulations 1964, Amendment No. 12) is hereby amended by adding the following proviso:

“Provided that—

“(a) No animal remedy that is sold as a food supplement or food premix and contains any substance named in the Seventh Schedule to these regulations, other than tetracycline, chlortetracycline, oxytetracycline, or erythromycin, shall be a prescription poison; and

“(b) No agricultural chemical registered under the Agricultural Chemicals Act 1967 shall be a restricted drug.”

(2) Regulation 22 (3) of the Poisons Regulations 1964, Amendment No. 12 is hereby revoked.

(3) This regulation shall be deemed to have come into force on the 23rd day of June 1977 (being the date of the commencement of the Poisons Regulations 1964, Amendment No. 12).

**3. Duties of person dispensing**—Regulation 17 (a) of the principal regulations is hereby amended by inserting, after the words “medical practitioner”, the words “, a dentist,”.

**4. Containers**—Regulation 29 (5) of the principal regulations is hereby amended by adding to paragraph (f) the word “; or”; and also by adding the following paragraph:

“(g) Specified in Part I or Part II of the Third Schedule, or in the Fourth Schedule, to these regulations, and is packed in a blue, green, brown, black, or amber bottle that has the word ‘POISON’ clearly embossed in capital letters on two opposite sides of the shoulder of the bottle, the height of such letters being not less than half the width of the shoulder of the bottle.”

**5. On containers of certain hair dyes, etc.**—Regulation 44 (c) of the principal regulations (as amended by regulation 9 of the Poisons Regulations 1964, Amendment No. 12) is hereby amended by inserting, after the words “in certain persons”, the words “. Do not use to dye eyelashes.”.

**6. On containers of preparations containing hexachlorophane**—Regulation 50B of the principal regulations (as inserted by regulation 2 (1) of the Poisons Regulations 1964, Amendment No. 8) is hereby amended by omitting the word “advice’.”, and substituting the words “advice. Do not use internally or on areas of burnt or damaged skin. Wash off the skin immediately after use.’”

**7. Restrictions on package, storage, or sale of Fifth Schedule substances, etc.**—(1) Regulation 64 of the principal regulations is hereby amended by inserting, after subclause (2), the following subclause:

“(2A) No person shall pack, store, or sell any sodium nitrite or potassium nitrite, or any preparation containing sodium nitrite or potassium nitrite, that is sold, recommended, or intended for use in food unless it is distinctly coloured.”

(2) Regulation 35 of the principal regulations is hereby consequentially revoked.

**8. New First Schedule poisons—**(1) The substances named in the First Schedule to these regulations are hereby declared to be poisons.

(2) The First Schedule to the principal regulations (as amended from time to time) is hereby further amended by inserting, in their appropriate alphabetical order, the names of the substances declared to be poisons by subclause (1) of this regulation.

**9. Further amendments to First Schedule to principal regulations—**

(1) The First Schedule to the principal regulations (as so amended) is hereby further amended by omitting the following items:

“Chloropicrin.”

“Endothal; its salts” (as substituted by S.R. 1977/130).

“Fluorocitric acid; its salts and derivatives; bis (2-fluoroethyl)-Formal.”

“Methyl bromide.”

“Monofluoroacetic acid; its salts and esters.”

“Orthocaine; its salts.”

“Phosphine; preparations which generate phosphine” (as inserted by S.R. 1969/95).

“Thallium, salts of.”

“Trasentin.”

(2) The said First Schedule (as so amended) is hereby further amended by omitting from the item that begins with the word “Antimony” the words “substances containing less than the equivalent of 1 percent of antimony trioxide”, and substituting the words “antimony oxides or antimony sulphides containing less than 0.5 percent of arsenic impurity”.

(3) The said First Schedule (as so amended) is hereby further amended by omitting from the item that begins with the word “Selenium” (as substituted by regulation 4 of the Poisons Regulations 1964, Amendment No. 6) the words “by man”.

(4) Regulation 13 (2) (c) of the Poisons Regulations 1964, Amendment No. 12 is hereby consequentially revoked.

**10. New Second Schedule poisons—**(1) The substances named in the Second Schedule to these regulations are hereby declared to be poisons.

(2) The Second Schedule to the principal regulations (as amended from time to time) is hereby further amended by inserting, in their appropriate alphabetical order, the names of the substances declared to be poisons by subclause (1) of this regulation.

**11. Further amendments to Second Schedule to principal regulations—**

(1) The Second Schedule to the principal regulations (as so amended) is hereby further amended—

- (a) By omitting the item "Hexachlorophane, in preparations containing less than 0.75 percent and more than 0.1 percent of hexachlorophane" (as inserted by regulation 9 of the Poisons Regulations 1964, Amendment No. 9), and substituting the item "Hexachlorophane, in preparations containing more than 0.75 percent but not more than 3 percent of hexachlorophane":
  - (b) By adding to the item "Naphazoline" the words "; its salts":
  - (c) By omitting the item "Nicotine; also its salts; except in tobacco":
  - (d) By adding to the item "Organic tin compounds" (as inserted by regulation 10 (2) of the Poisons Regulations 1964, Amendment No. 3) the words "; except tricyclotin in preparations containing more than 20 percent of tricyclotin":
  - (e) By omitting the item "Parathion" (as inserted by regulation 15 (1) (p) of the Poisons Regulations 1964, Amendment No. 12):
  - (f) By omitting the item that begins with the word "Propoxur" (as substituted by regulation 6 (2) (h) of the Poisons Regulations 1964, Amendment No. 11):
  - (g) By omitting from the item that begins with the words "Sodium nitrite" (as amended by regulation 5 of the Poisons Regulations 1964, Amendment No. 4) the words "except substances included in the Fourth Schedule hereto and":
  - (h) By adding to the item "Trimeprazine; salts of trimeprazine" (as inserted by regulation 9 of the Poisons Regulations 1964, Amendment No. 1) the words "; in preparations containing 0.05 percent or less of trimeprazine".
- (2) The following regulations are hereby consequentially revoked:
- (a) Regulation 6 (2) (h) of the Poisons Regulations 1964, Amendment No. 11:
  - (b) Regulation 15 (1) (p) of the Poisons Regulations 1964, Amendment No. 12.

**12. New restricted poisons**—(1) The substances named in the Third Schedule to these regulations, except when included in preparations for human therapeutic use, are hereby declared to be restricted poisons.

(2) Part II of the Third Schedule to the principal regulations (as amended from time to time) is hereby further amended by inserting, in their appropriate alphabetical order, the names of the substances declared to be restricted poisons by subclause (1) of this regulation.

**13. Further amendments to Third Schedule to principal regulations**—

(1) Part I of the Third Schedule to the principal regulations (as amended by regulation 17 (1) of the Poisons Regulations 1964, Amendment No. 12) is hereby amended by adding to clause (1) the words "or silage additives".

(2) Part II of the said Third Schedule (as amended from time to time) is hereby further amended by omitting the following items:

"Carbofuran" (as inserted by S.R. 1977/130).

"3, 6-endo-hexahydro-phthalic acid; its salts; including the substance known as Endothal."

"Fluorocitric acid; its salts and derivatives."

- (3) Part II of the said Third Schedule is hereby further amended—
- (a) By omitting the item “Bendoxicarb” (as inserted by regulation 11 (2) of the Poisons Regulations 1964, Amendment No. 9), and substituting the item “Bendiocarb, in preparations containing more than 5 percent of bendiocarb”:
- (b) By omitting the item that begins with the word “Propoxur” (as substituted by regulation 7 (2) (b) of the Poisons Regulations 1964, Amendment No. 11), and substituting the item “Propoxur, in preparations containing more than 10 percent of propoxur”.
- (4) Part II of the said Third Schedule is hereby further amended by omitting paragraph (f) of the item that begins with the words “Organic phosphorus compounds” (as substituted by regulation 17 (3) of the Poisons Regulations 1964, Amendment No. 12), and substituting the following paragraph:  
“(f) Cythioate, in preparations containing 15 percent or less of cythioate.”.
- (5) Part II of the said Third Schedule is hereby further amended by adding to paragraph (n) of the said item that begins with the words “Organic phosphorus compounds” the words “or in aerosols containing 1 percent or less of fenitrothion”.
- (6) Part II of the said Third Schedule is hereby further amended by adding to the said item that begins with the words “Organic phosphorus compounds” the following paragraphs:  
“(x) Pirimiphos methyl:  
“(y) Fosamine.”
- (7) The following regulations are hereby consequentially revoked:  
(a) Regulation 7 (2) (b) of the Poisons Regulations 1964, Amendment No. 11:  
(b) Regulation 17 (2) (b) of the Poisons Regulations 1964, Amendment No. 12.

**14. New poisonous substances**—(1) The substances named in the Fourth Schedule to these regulations are hereby declared to be poisonous substances.

(2) The Fourth Schedule to the principal regulations (as amended from time to time) is hereby further amended by inserting, in their appropriate alphabetical order, the names of the substances declared to be poisonous substances by subclause (1) of this regulation.

**15. Further amendments to Fourth Schedule to principal regulations**—(1) The Fourth Schedule to the principal regulations (as so amended) is hereby further amended by omitting the following items:

“Glyphosate” (as inserted by S.R. 1975/25).

“Oxalic acid and its soluble salts.”

“Sodium nitrite, potassium nitrite, in preparations containing not less than 85 parts percent by weight of common salt and not more than 10 parts percent by weight of sodium nitrite or potassium nitrite, in the form of a finely divided and artificially coloured intimate mixture.”

(2) The said Fourth Schedule (as so amended) is hereby further amended—

- (a) By adding to the item that begins with the words "Boric acid" (as inserted by regulation 18 (2) of the Poisons Regulations 1964, Amendment No. 12) the words "; except in—"  
    "(i) Preparations containing 2 percent or less of these substances:  
    "(ii) Soap powders, powder detergents, and bleaches:  
    "(iii) Cutting oils and fluids.”:
- (b) By omitting the item that begins with the word "Cythioate" (as inserted by regulation 11 (2) of the Poisons Regulations 1964, Amendment No. 5), and substituting the item "Cythioate, in preparations containing 15 percent or less of this substance”:
- (c) By omitting the item that begins with the word "Propoxur" (as inserted by regulation 8 (2) of the Poisons Regulations 1964, Amendment No. 6), and substituting the item "Propoxur, in preparations containing not more than 10 percent and not less than 1 percent of propoxur”.

**16. New prescription poisons**—(1) Subject to the proviso to regulation 7 of the principal regulations (as substituted by regulation 3 (1) of the Poisons Regulations 1964, Amendment No. 9), the substances named in the Fifth Schedule to these regulations are hereby declared to be prescription poisons which may be sold by retail only pursuant to a prescription of a medical practitioner, dentist, or veterinary surgeon.

(2) Part I of the Seventh Schedule to the principal regulations (as amended from time to time) is hereby further amended by inserting, in their appropriate alphabetical order, the names of the substances declared to be prescription poisons by subclause (1) of this regulation.

**17. Further amendments to Part I of Seventh Schedule to principal regulations**—(1) Part I of the Seventh Schedule to the principal regulations (as so amended) is hereby further amended—

- (a) By omitting the item "Hexachlorophane; except in preparations containing less than 0.75 percent of hexachlorophane" (as inserted by regulation 4 (2) of the Poisons Regulations 1964, Amendment No. 8), and substituting the item "Hexachlorophane, in preparations containing more than 3 percent of hexachlorophane”:
- (b) By omitting from the item that begins with the words "Nicotinic acid" (as inserted by regulation 20 (2) of the Poisons Regulations 1964, Amendment No. 12) the word “; for”, and substituting the words “per dose; for internal”:
- (c) By omitting from the item that begins with the word "Phentermine" the word "(Duromine)", and substituting the words “, its salts”.

(2) Regulation 4 of the Poisons Regulations 1964; Amendment No. 8, and the Schedule to those regulations, are hereby consequentially revoked.

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## SCHEDULES

Reg. 8 (1).

## FIRST SCHEDULE

## NEW POISONS

Adiphenine; its salts.  
 Tansy, oil of.  
 Tiemonium; its salts.  
 Tropicamide.

Reg. 10 (1)

## SECOND SCHEDULE

## NEW POISONS

Carbuterol, its salts; except when contained in preparations packed under pressure.  
 Paracetamol.

Reg. 12 (1)

## THIRD SCHEDULE

## NEW RESTRICTED POISONS

Fenvalerate, in preparations containing more than 20 percent of fenvalerate.  
 Tricyclotin, in preparations containing more than 20 percent of tricyclotin.

Reg. 14 (1)

## FOURTH SCHEDULE

## NEW POISONOUS SUBSTANCES

Bendiocarb, in preparations containing 5 percent or less of bendiocarb.  
 3-chloro-p-toluidine hydrochloride (DRC 1339), in preparations containing more than 20 percent of this substance.  
 2- (4- (2, 4- dichlorophenoxy) phenoxy) methylpropionate.  
 Fenitrothion, in aerosols containing 1 percent or less of fenitrothion.  
 Fenvalerate, in preparations containing 20 percent or less of fenvalerate.  
 Pirimiphos methyl, in preparations containing more than 20 percent of pirimiphos methyl.

FIFTH SCHEDULE Reg. 16 (1)  
NEW PRESCRIPTION POISONS

Amethocaine; its salts; except when mixed with other substances.  
Bromazepam.  
Cimetidine.  
Clomipramine; its salts.  
Cyclobenzaprine; its salts.  
Flunitrazepam.  
Lomustine.  
Nefropam; its salts.  
Trimeprazine; its salts; except in preparations containing 0.05 percent or less of trimeprazine.

P. G. MILLEN,  
Clerk of the Executive Council.

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EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations amend the Poisons Regulations 1964.

Regulation 1 relates to the Title and commencement.

Regulation 2 re-enacts a proviso to regulation 7 of the principal regulations that was erroneously revoked last year.

Regulation 3 enables a dentist to indicate on a prescription that it may be dispensed more than once.

Regulation 4 enables certain substances to be packed in bottles that comply with the requirements specified, instead of in poison bottles. This represents a slight relaxation of present requirements.

Regulation 5 specifies a further caution to be placed on containers of certain hair dyes, etc., and regulation 6 specifies further cautions and advice to be placed on containers of preparations containing hexachlorophane.

Regulation 7 transfers the present requirements of regulation 35 (extended to include packing and storing, as well as selling) to regulation 64. The effect is to bring within the ambit of this provision the substances specified in the Fifth Schedule to the principal regulations.

Regulations 8 to 17 make miscellaneous changes to the Schedules to the principal regulations. Among these are changes in nomenclature whereby the chemical names of some poisons have been removed and their recognised non-proprietary names have been substituted.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 16 March 1978.

These regulations are administered in the Department of Health.