

1979/37



THE POISONS REGULATIONS 1964, AMENDMENT NO. 14

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 5th day of March 1979

Present:

THE RIGHT HON. B. E. TALBOYS 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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| <ol style="list-style-type: none"> 1. Title and commencement 2. Definition of "commercial user" extended 3. Retail sales of restricted poisons to Crown 4. Special restrictions relating to paints 5. New First Schedule Poisons 6. New Second Schedule Poisons 7. Further amendments to Second Schedule to principal regulations | <ol style="list-style-type: none"> 8. Amendments to Third Schedule to principal regulations 9. New Fourth Schedule Poison 10. Further amendments to Fourth Schedule to principal regulations 11. Amendment to Fifth Schedule to principal regulations 12. New prescription poisons 13. Further amendments to Part I of Seventh Schedule to principal regulations 14. New restricted drugs Schedules |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Poisons Regulations 1964, Amendment No. 14, 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 |
| Amendment No. 13: | S.R. 1978/52 |

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2. Definition of "commercial user" extended—Regulation 2 (1) of the principal regulations is hereby amended by adding to the definition of the term "commercial user" (as substituted by regulation 2 (1) of the Poisons Regulations 1964, Amendment No. 12) the following paragraph:

"(e) Is an approved operator under the Agricultural Chemicals (Vertebrate Pest Control) Regulations 1977* and requires a poison for the purposes of his work as such an operator."

3. Retail sales of restricted poisons to Crown—Regulation 10 of the principal regulations is hereby amended by inserting in subclause (1), after the words "commercial user", the words "or to the Crown or an employee of the Crown acting in the course of his employment,".

4. Special restrictions relating to paints—(1) The principal regulations are hereby amended by inserting, after regulation 64, the following regulation:

"64A. (1) No person shall pack, store, or sell any paint, distemper, powder coating, pigment, or anti-fouling composition that, when treated in the manner specified in the First Schedule to the Lead Process Regulations 1950*, yields to such aqueous solution of hydrochloric acid as is specified in that Schedule a quantity of soluble lead compound exceeding, when calculated as lead monoxide, 5 parts per cent of the dry weight of the portion taken for analysis, unless the container of the paint, distemper, powder coating, pigment, or anti-fouling composition is conspicuously labelled with the words 'CONTAINS LEAD'.

"(2) No person shall pack, store, or sell any paint, distemper, or powder coating that contains in its dry weight any toxic substance specified in subclause (5) of this regulation in an amount exceeding that specified in respect of that substance in the said subclause (5), unless that paint, distemper, or powder coating is in a container conspicuously labelled, on the panel of the label on which the name of the product is most prominently displayed, with the words 'WARNING: NOT TO BE USED ON TOYS, FURNITURE, OR INTERIOR SURFACES THAT CHILDREN MIGHT CHEW'.

"(3) The height of the lettering of such words shall be not less than one seventy-fifth of the height of the container:

"Provided that in no case shall the height of the lettering be less than 1.5 mm.

"(4) No person shall manufacture, import, supply, or sell any furniture or other household item painted with a paint, distemper, or powder coating that contains in its dry weight any toxic substance specified in subclause (5) of this regulation in an amount exceeding that specified in respect of that substance in the said subclause (5).

"(5) The toxic substances and their amounts to which subclauses (2) and (4) of this regulation apply are—

"Arsenic	.....	.....	1000 parts per million by weight
"Cadmium	.....	.....	1000 parts per million by weight
"Lead	.....	.....	5000 parts per million by weight
"Mercury	.....	.....	2500 parts per million by weight
"Selenium	.....	.....	1000 parts per million by weight.

“(6) Nothing in subclause (2) or subclause (4) of this regulation shall apply to paints that are gelcoats.

“(7) No person shall manufacture, import, supply, sell, or use any paint, distemper, powder coating, pigment, or anti-fouling composition that contains basic lead carbonate (also known as white lead).

“(8) The requirements of this regulation are in addition to those of regulation 64 of these regulations.”

(2) The following regulations are hereby consequentially revoked:

(a) Regulation 64 (3A) of the principal regulations:

(b) Regulation 6 (b) of the Poisons Regulations 1964, Amendment No. 1.

(3) Regulation 9 (1) of the principal regulations is hereby consequentially amended by omitting the expression “regulation 64”, and substituting the expression “regulations 64 and 64A”.

5. 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.

6. 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.

7. Further amendments to Second Schedule to principal regulations—The Second Schedule to the principal regulations (as so amended) is hereby further amended—

(a) By omitting the item “Formic acid; except substances containing less than 5 percent of formic acid.”, and substituting the item “Formic acid; in preparations for human therapeutic use, except substances containing less than 5 percent of formic acid.”:

(b) By omitting the item “Hydroxycobalamin (Vitamin B12a, and B12b) for human therapeutic use, except in foods.” (as inserted by regulation 14 (2) of the Poisons Regulations 1964, Amendment No. 12), and substituting the item “Hydroxocobalamin (Vitamin B12a, and B12b) for human therapeutic use, except in foods.”:

(c) By adding to the item “Methyl salicylate” (as inserted by regulation 14 (2) of the Poisons Regulations 1964, Amendment No. 12) the words “, when not compounded with other substances”.

8. Amendments to Third Schedule to principal regulations—Part II of the Third Schedule to the principal regulations (as amended from time to time) is hereby further amended—

(a) By adding to the item “Benzene” (as inserted by regulation 16 (2) of the Poisons Regulations 1964, Amendment No. 12) the words “; except substances containing 1 percent or less of benzene.”

- (b) By adding to the item "Formic acid; except when included in preparations for human therapeutic use" (as inserted by regulation 16 (2) of the Poisons Regulations 1964, Amendment No. 12) the words "or in substances containing less than 5 percent of formic acid".
- (c) By omitting from the item that begins with the words "Oxalic acid" (as inserted by regulation 16 (2) of the Poisons Regulations 1964, Amendment No. 12) the expression "40 percent", and substituting the expression "20 percent".

9. New Fourth Schedule Poison—(1) The substance named in the Third Schedule to these regulations is hereby declared to be a poisonous substance.

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

10. Further Amendments to Fourth Schedule to principal regulations—The Fourth Schedule to the principal regulations (as so amended) is hereby further amended—

- (a) By omitting from the item that begins with the words "Boric acid" (as inserted by regulation 18 (2) of the Poisons Regulations 1964, Amendment No. 12) the word "perparations", and substituting the word "preparations":
- (b) By omitting from the item that begins with the words "Oxalic acid" (as inserted by regulation 18 (2) of the Poisons Regulations 1964, Amendment No. 12) the expression "40 percent", and substituting the expression "20 percent".

11. Amendment to Fifth Schedule to principal regulations—The Fifth Schedule to the principal regulations is hereby amended by inserting after the word "plastics;," the words "powder coatings;".

12. New prescription poisons—(1) Subject to the proviso to regulation 7 of the principal regulations (as substituted by regulation 2 (1) of the Poisons Regulations 1964, Amendment No. 13), the substances named in the Fourth 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.

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

- (a) By adding to the item "Bufexamac" (as inserted by regulation 10 (2) of the Poisons Regulations 1964, Amendment No. 11) the words ", except in preparations for external use containing not more than 5 percent of bufexamac":

- (b) By omitting from the item that begins with the word "Hypothalamus" (as inserted by regulation 20 (2) of the Poisons Regulations 1964, Amendment No. 12) the word "principals", and substituting the word "principles":
- (c) By adding to the item "Idoxuridine" the words "except in preparations, containing not more than 0.5 percent of idoxuridine, for external use other than as an eye preparation":
- (d) By omitting the item "Nortriptylin; its salts (Aventyl)." (as inserted by regulation 12 (2) of the Poisons Regulations 1964, Amendment No. 1), and substituting the item "Nortriptyline; its salts."

14. **New restricted drugs**—(1) Subject to the proviso to regulation 7 of the principal regulations (as substituted by regulation 2 (1) of the Poisons Regulations 1964, Amendment No. 13), 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 II of the Seventh Schedule to the principal regulations (as substituted by regulation 18 of the Poisons Regulations 1964, Amendment No. 3 and from time to time amended) 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.

SCHEDULES

FIRST SCHEDULE

Reg. 5 (1)

NEW POISONS

Bufexamac, in preparations for external use containing not more than 5 percent of bufexamac.

Dextranomer.

Idoxuridine, in preparations, containing not more than 0.5 percent of idoxuridine, for external use other than as an eye preparation.

Oxybutynin; its salts.

SECOND SCHEDULE

Reg. 6 (1)

NEW POISONS

Carbaryl, in preparations for human therapeutic use containing 2 percent or less of carbaryl.

Chlorhexidine, in preparations for internal human use.

Disalicylic acid.

Fenoterol; its salts; except when packed under pressure.

Maldison, in preparations for human therapeutic use, containing 2 percent or less of maldison.

Silver nitrate.

THIRD SCHEDULE

Reg. 9 (1)

NEW POISONOUS SUBSTANCE

Formic acid; in substances containing less than 5 percent of formic acid.

FOURTH SCHEDULE

Reg. 12 (1)

NEW PRESCRIPTION POISONS

Amoxapine; its salts.
Buprenorphine; its salts.
Carbaryl, in preparations for human therapeutic use, containing more than 2 percent of carbaryl.
Chenodeoxycholic acid.
Diffunisal.
Disodium Etidronate.
Dobutamine; its salts.
Fenbufen.
Floctafenine; its salts.
Flupenthixol; its esters.
Flurbiprofen.
Fluspirilene.
Ketotifen; its salts.
Lysine acetyl salicylate.
Maldison, in preparations for human therapeutic use, containing more than 2 percent of maldison.
Naftidrofuryl; its salts.
Nicofuranose.
Ornidazole.
Proquazone.
Quinaldofur.
Tolmetin; its salts.
Vidarabine; its salts.

FIFTH SCHEDULE

Reg. 14 (1)

NEW PRESCRIPTION POISONS KNOWN AS RESTRICTED DRUGS

Calcitriol.
Measles virus vaccine.
Pneumoccal vaccine.

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

EXPLANATORY NOTE

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

These regulations are made under the Poisons Act 1960, and amend the Poisons Regulations 1964.

Regulation 1 relates to the Title and commencement.

Regulation 2 widens the definition in the principal regulations of the term "commercial user" to include an approved operator under the Agricultural Chemicals (Vertebrate Pest Control) Regulations 1977. The effect is to enable such operators to obtain and use restricted poisons.

Regulation 3 permits the sale of restricted poisons to the Crown.

Regulation 4 prescribes labels for paints, and powder coatings containing certain toxic substances, prohibits the manufacture or sale of items painted with paint containing those substances, and prohibits the manufacture, sale or use of paint containing white lead.

Regulations 5 to 14 make miscellaneous amendments to certain Schedules to the principal regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 8 March 1979.

These regulations are administered in the Department of Health.