



THE POISONS REGULATIONS 1964, AMENDMENT NO. 15

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 17th day of December 1979

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL 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 | 7. New restricted poisons |
| 2. Exemption from requirements relating to disposing of restricted poison containers | 8. Further amendment to Third Schedule to principal regulations |
| 3. Special restrictions relating to paints | 9. New poisonous substances |
| 4. New First Schedule Poison | 10. Further amendment to Fourth Schedule to principal regulations |
| 5. New Second Schedule Poison | 11. New prescription poisons |
| 6. Further amendments to Second Schedule to principal regulations | 12. Further amendment to Seventh Schedule to principal regulations |

REGULATIONS

1. **Title and commencement**—(1) These regulations may be cited as the Poisons Regulations 1964, Amendment No. 15, and shall be read together with and deemed part of the Poisons Regulations 1964* (hereinafter referred to as the principal regulations).

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

*S.R. 1964/64

- 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
- Amendment No. 14: S.R. 1979/37

2. Exemption from requirements relating to disposing of restricted poison containers—Regulation 32 of the principal regulations is hereby amended by adding, as subclause (2), the following subclause:

“(2) Notwithstanding anything in subclause (1) of this regulation, the Medical Officer of Health may, by notice in writing, exempt any person from any of the requirements of that subclause, either generally or subject to such conditions as he may specify in the notice.”

3. Special restrictions relating to paints—Regulation 64A of the principal regulations (as inserted by regulation 4 (1) of the Poisons Regulations 1964, Amendment No. 14) is hereby amended by revoking subclause (3), and substituting the following subclause:

“(3) The height of the lettering of such words shall be not less than the following:

“(a) In the case of a container of a height of not more than 112.5 mm, 1.5 mm:

“(b) In the case of a container of a height of more than 112.5 mm but not more than 450 mm, one seventy-fifth of the height of the container:

“(c) In the case of a container of a height of more than 450 mm, 6 mm.”

4. New First Schedule Poison—(1) The substance named in the First Schedule to these regulations is hereby declared to be a poison.

(2) The First 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 poison by subclause (1) of this regulation.

5. New Second Schedule Poison—(1) The substance named in the Second Schedule to these regulations is hereby declared to be a poison.

(2) The Second 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 poison by subclause (1) of this regulation.

6. Further amendments to Second Schedule to principal regulations—

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

(a) By omitting the item that begins with the word “Fluorides” (as substituted by regulation 6 (2) (f) of the Poisons Regulations 1964, Amendment No. 11), and substituting the item “Fluorides, in preparations for internal use by man containing 2.2 mg or less of sodium fluoride per dose; except substances containing fluorides in proportion equivalent to less than 0.1 percent of elementary fluorine”:

(b) By omitting the item that begins with the word “Fenoterol” (as inserted by regulation 6 (2) of the Poisons Regulations 1964, Amendment No. 14), and substituting the item “Fenoterol; its salts; in preparations for oral use, other than liquid or aerosol preparations”:

(c) By adding to the item that begins with the words “hydrogen peroxide” the words “, except when labelled as intended for use in swimming pools”.

(2) Regulation 6 (2) (f) of the Poisons Regulations 1964, Amendment No. 11 is hereby consequentially revoked.

7. 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.

8. Further amendment to Third Schedule to principal regulations—Part II of the Third Schedule to the principal regulations is hereby further amended by omitting the item that begins with the words "boric acid" (as inserted by regulation 16 (2) of the Poisons Regulations 1964, Amendment No. 12).

9. 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.

10. Further amendment to Fourth Schedule to principal regulations—(1) The Fourth Schedule to the principal regulations is hereby further amended—

(a) By omitting the item that begins with the words "Boric acid" (as inserted by regulation 18 (2) of the Poisons Regulations 1964, Amendment No. 12), and substituting the item "Boric acid, borates, and perborates, 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 adding to the item that begins with the word "chloropropanes" the words ", except 1, 2-dibromo-3-chloropropane (DBCP)".

(2) Regulation 15 (2) (a) of the Poisons Regulations 1964, Amendment No. 13 is hereby consequentially revoked.

11. New prescription poisons—(1) Subject to the proviso to regulation 7 of the principal regulations (as substituted by regulation 3 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.

12. Further amendment to Seventh Schedule to principal regulations—

(1) Part I of the Seventh Schedule to the principal regulations is hereby further amended by omitting from the item that begins with the words “anaesthetics, local; in preparations” (as inserted by regulation 10 (2) of the Poisons Regulations 1964, Amendment No. 11) the words “or sold by a registered optician in the course of such practice”.

(2) Part II of the Seventh Schedule to the principal regulations (as substituted by regulation 18 of the Poisons Regulations 1964, Amendment No. 3) is hereby amended by omitting the item “Pneumococcal vaccine” (as inserted by regulation 14 (2) of the Poisons Regulations 1964, Amendment No. 14), and substituting the item “Pneumococcal vaccine”.

(3) The said Part II is hereby further amended by revoking the exceptions to the item that begins with the words “any antimicrobial substance”, and substituting the following exceptions:

“(i) Penicillin or salts of penicillin up to 100,000 units when incorporated in a base of liquid or semi-solid consistency and contained in a collapsible tube, disposable syringe, or any other device approved by the Animal Remedies Board fitted with a nozzle designed for insertion into the teat for the treatment of bovine mastitis; or

“(ii) Penicillin or salts of penicillin up to 5,000,000 units when contained in a collapsible tube, disposable syringe, or any other device approved by the Animal Remedies Board; or

“(iii) Tylosin or salts of tylosin when in soluble powder form or injectable form for the treatment of diseases of poultry.”

(4) Regulation 18 (2) of the Poisons Regulations 1964, Amendment No. 9 is hereby consequentially revoked.

SCHEDULES

Reg. 4 (1)

FIRST SCHEDULE**NEW POISON**

Fluorides, in preparations for topical use by man containing 2.5 percent or less of elementary fluorine; except substances containing fluorides in proportion equivalent to less than 0.1 percent of elementary fluorine.

SECOND SCHEDULE

Reg. 5 (1)

NEW POISON

Rutin; its derivatives.

THIRD SCHEDULE

Reg. 7 (1)

NEW RESTRICTED POISONS

Cypermethrin, in liquid preparations containing 50 percent or more of cypermethrin.

1, 2-dibromo-3-chloropropane (DBCP).

Reg. 9 (1)

FOURTH SCHEDULE

NEW POISONOUS SUBSTANCES

Cypermethrin, in liquid preparations containing less than 50 percent of cypermethrin, and in solid preparations containing 20 percent or more of cypermethrin.

Fluorides, including hydrofluoric acid and silicofluorides; except substances specified in the First Schedule or the Second Schedule or the Seventh Schedule to these regulations; and except also substances containing fluorides in proportion equivalent to less than 0.1 percent of elementary fluorine.

Hydrogen peroxide, in solutions containing 8 percent or more of hydrogen peroxide labelled as being for use in swimming pools.

Reg. 11 (1)

FIFTH SCHEDULE

NEW PRESCRIPTION POISONS

Carazolol.

Fenoterol; its salts; in liquid and aerosol preparations.

Fluorides, in preparations for external use by man, exceeding 2.5 percent of fluoride.

Indroprofen.

Metrizamide.

Nifedipine.

Probutol.

Ritrodrine; its salts.

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 pursuant to the Poisons Act 1960, and amend the Poisons Regulations 1964.

Regulation 1 relates to the Title and commencement of the regulations.

Regulation 2 empowers the Medical Officer of Health to exempt any person from the requirement of regulation 32 of the principal regulations relating to the disposal of containers that have held restricted poisons. Any such exemption may be unconditional or subject to such conditions as the Medical Officer of Health may specify.

Regulation 3 amends regulation 64A of the principal regulations relating to paints that contain lead. Regulation 64A prescribes a form of warning that must appear on the label, and subclause (3) provides that the lettering of the warning must be of a height equal to at least one seventy-fifth of the height of the container. The amendment provides a maximum required height for the lettering of 6 mm.

Regulations 5 to 12 make miscellaneous amendments to certain Schedules to the principal regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 20 December 1979.

These regulations are administered in the Department of Health.