1971/55

THE POISONS REGULATIONS 1964, AMENDMENT NO. 5

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 1st day of March 1971

Present:

THE RIGHT HON. SIR KEITH HOLYOAKE, G.C.M.G., C.H., 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

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Poisons Regulations 1964, Amendment No. 5, 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 seventh day after the date of their notification in the *Gazette*.

2. Prescription to be in accordance with regulations—Regulation 13 of the principal regulations is hereby amended by adding to the proviso the words "that neither is nor contains Beta-aminopropylbenzene, or any of its salts or N-alkyl derivatives, or any of their salts".

*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

3. Advertisement for prescription poison or restricted drug—Regulation 23 of the principal regulations is hereby amended by adding, as subclauses (2) to (5), the following subclauses:

"(2) Subject to subclause (3) of this regulation, nothing in subclause (1) of this regulation shall apply in respect of a prescription poison for the period of 1 month immediately following the date on which it becomes a prescription poison, if, at that date, the poison was part of the existing stock-in-trade in New Zealand of any person lawfully carrying on business there.

"(3) In respect of any restricted drug which was a prescription poison immediately before it became a restricted drug compliance with the requirements of subclause (1) of this regulation relating to a prescription poison which is not a restricted drug shall be sufficient compliance with that subclause for the period of 1 month immediately following the date on which it became a restricted drug, if, at that date, the restricted drug was part of the existing stock-in-trade in New Zealand of any person lawfully carrying on business there.

"(4) For the purposes of subclauses (2) and (3) of this regulation any goods purchased before the date on which a substance becomes a prescription poison or a restricted drug, as the case may require, for importation into New Zealand, shall be deemed to be part of the purchaser's stock-in-trade in New Zealand.

"(5) In any proceedings for an offence against subclause (1) of this regulation in which subclause (2) or subclause (3) of this regulation is pleaded in defence the burden of proof that the provisions of either of those subclauses are applicable shall lie on the person charged."

4. Application of labelling provisions to new prescription poisons and restricted drugs—The principal regulations are hereby further amended by inserting, after regulation 37, the following regulation:

"37A. (1) Nothing in regulations 38, 40, 43, or 49 of these regulations shall apply in respect of a prescription poison for the period of 3 months immediately following the date on which it becomes a prescription poison if—

"(a) Immediately before that date the prescription poison was neither a poison nor a poisonous substance; and

"(b) At that date the prescription poison was part of the existing stock-in-trade in New Zealand of any person lawfully carrying on business there.

"(2) In respect of any prescription poison that was a poison or a poisonous substance immediately before the date on which it became a prescription poison, and in respect of a restricted drug that was a prescription poison immediately before the date on which it became a restricted drug, compliance with the requirements of regulations 38 and 43 of these regulations relating to poisons, which are not prescription poisons, poisonous substances, and prescription poisons, which are not restricted drugs, as the case may require, shall be sufficient compliance with those regulations for the period of 3 months immediately following that date, if, at that date, the prescription poison or restricted drug was part of the existing stock-in-trade in New Zealand of any person lawfully carrying on business there.

"(3) For the purposes of subclauses (1) and (2) of this regulation any goods purchased before the date on which a substance becomes a prescription poison or a restricted drug, as the case may require, for importation into New Zealand shall be deemed to be part of the purchaser's stock-in-trade in New Zealand.

"(4) In any proceedings for an offence against regulations 38, 40, 43, or 49 of these regulations in which subclause (1) or subclause (2) of this regulation is pleaded in defence the burden of proof that the provisions of either of those subclauses are applicable shall lie on the person charged."

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 by regulations 7 and 8 of the Poisons Regulations 1964, Amendment No. 1, by regulations 5 and 6 of the Poisons Regulations 1964, Amendment No. 2, and by regulations 8 and 9 of the Poisons Regulations 1964, Amendment No. 3) 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. Further amendment to First Schedule to principal regulations—The First Schedule to the principal regulations (as so amended) is hereby further amended by omitting the item "Thyroid; its preparations; its synthetic derivatives".

7. 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 by regulations 9 and 10 of the Poisons Regulations 1964, Amendment No. 1, by regulations 7 and 8 of the Poisons Regulations 1964, Amendment No. 2, by regulations 10 and 11 of the Poisons Regulations 1964, Amendment No. 3, and by regulations 4 and 5 of the Poisons Regulations 1964, Amendment No. 4) 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.

8. Further amendment to Second Schedule to principal regulations—The Second Schedule to the principal regulations (as so amended) is hereby further amended by omitting the item "3-methyl-4-0-chlorophenyl hydrazone-5-isoxazolone" (as inserted by regulation 7 (2) of the Poisons Regulations 1964, Amendment No. 2) and inserting, in its appropriate alphabetical order, the item "Drazoxolon; its salts".

9. New restricted poisons—(1) The substances named in the Third Schedule to these regulations, except when included in preparations for use as medicines or applications for man, are hereby declared to be restricted poisons.

(2) Part II of the Third Schedule to the principal regulations (as amended by regulations 9 and 10 of the Poisons Regulations 1964, Amendment No. 2, by regulation 13 of the Poisons Regulations 1964, Amendment No. 3, and by regulations 6 and 7 of the Poisons Regulations

1964, Amendment No. 4) 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.

10. Further amendments to the Third Schedule to principal regulations—Part II of the Third Schedule to the principal regulations (as so amended) is hereby further amended—

(a) By omitting the item "2-fluoroethyl-4-biphenyl acetate (fluenyl or fluenethyl)" (as inserted by regulation 13 (2) of the Poisons Regulations 1964, Amendment No. 3), and substituting the item "Fluenetil":

(b) By adding to the exempted compounds in the item that commences with the words "Organic phosphorous compounds" the following paragraphs:

"(n) Bromophos (4-bromo 2, 5-dichlorophenyl dimethyl phosphorothionate):

"(o) Cythioate (0, 0-dimethyl 0-p-sulfamoylphenyl phosphorothioate) in tablets, sold in packages of 16 or less, or in liquid preparations, containing in either case not more than 15 percent of this substance."

11. New poisonous substances—(1) Subject to the qualification expressed in the last sentence in the Fourth Schedule to the principal regulations, 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 by regulation 11 of the Poisons Regulations 1964, Amendment No. 1, by regulations 11 and 12 of the Poisons Regulations 1964, Amendment No. 2, by regulations 14 and 15 of the Poisons Regulations 1964, Amendment No. 3, and by regulation 8 of the Poisons Regulations 1964, Amendment No. 4) 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.

12. New prescription poisons—(1) Subject to the proviso to regulation 7 of the principal regulations (as inserted by regulation 2 of the Poisons Regulations 1964, Amendment No. 3), 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 by regulations 12 and 13 of the Poisons Regulations 1964, Amendment No. 1, by regulations 13 and 14 of the Poisons Regulations 1964, Amendment No. 2, by regulations 16 and 17 of the Poisons Regulations 1964, Amendment No. 3, and by regulations 9 and 10 of the Poisons Regulations 1964, Amendment No. 4) 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 the Seventh Schedule to the principal regulations—Part I of the Seventh Schedule to the principal regulations (as so amended) is hereby further amended:

(a) By omitting the item commencing with the letters and numbers "BC-105" (as inserted by regulation 9 (2) of the Poisons Regulations 1964, Amendment No. 4), and inserting, in its appropriate alphabetical order, the item "Pizotifen":

(b) By omitting the word "liquid" from the item commencing with the word "Phenylpropanolamine".

SCHEDULES

FIRST SCHEDULE

Reg. 5

NEW POISONS

Bethanechol chloride.
Thiabendazole; its salts; in human therapeutic use.

SECOND SCHEDULE

Reg. 7

NEW POISONS

Bromophos.
N-cyclohexyl-N-methyl-(2-amino-3, 5-dibromobenzyl)-amine; its salts.
8-hydroxyquinoline and substances structurally derived therefrom.
Isoetharine; its salts.
Tridemorph.

THIRD SCHEDULE

Reg. 9

NEW RESTRICTED POISONS

Acetic acid, thio, 2 cyano ethyl ester methyl carbamoyle oxime.
5, 6-dimethyl-2-dimethylamine-4-pyrimidinyl dimethyl carbamate.
S-methyl 1- (dimethylcarbamoyl)-N-[(methylcarbamoyl) oxy] thioformimidate.
0-(Methyl-2-propinylamino) phenyl N-methyl carbamate.
4-(Methyl-2-propinylamino) 3, 5- xylyl-N-methylcarbamate.
2, 4, 5-Trichlorophenoxyacetic acid containing more than 1 part per million of 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin.

FOURTH SCHEDULE

Reg. 11

NEW POISONOUS SUBSTANCES

Chlorophacinone.
Cythioate in tablets, sold in packages of 16 or less, or in liquid preparations, containing in either case not more than 15 percent of this substance.
Diphacinone.
Phenmedipham.

FIFTH SCHEDULE

Reg. 12

NEW PRESCRIPTION POISONS

Benzydamine; its salts.
Carbimazole.
3-aminopropyl-p-fluorophenyl-ketone; derivatives of; their salts; including Droperidol, Haloperidol, Moperone, Triperidol.
Dipyridamole.
Fenpipramide.
Fenpiprane.
Iodothiouracil sodium.
Iprindole; its salts.
Ketamine; its salts.
Lithium; its salts and compounds; in preparations for internal use.
Methimazole.
Methylthiouracil.
Nitrimidazine; its salts.
Noxiptilin; its salts.
Potassium perchlorate; in human therapeutic use.
Propylthiouracil.
Salbutamol; its salts and esters.
P-Sulphonamido benzylamine; its salts and esters.
Thiouracil.
Thyroid; its preparations; its synthetic derivatives.
Tiletamine; its salts.

P. J. BROOKS,
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 make a number of amendments to the Poisons Regulations 1964.

Regulation 2 makes an amendment that prohibits the prescribing, orally or by telephone, of amphetamine drugs.

Regulations 3 and 4 make amendments that provide a statutory period of exemption from the advertising and labelling requirements of the regulations (1 month for advertisements, 3 months for labelling) for preparations newly declared to be prescription-only items by an amendment to the regulations. The 12-month "period of grace" which previously applied in such cases was abolished by an amendment contained in the Poisons Amendment Act 1969.

Regulations 5 to 13 make miscellaneous amendments to the Schedules to the principal regulations.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 4 March 1971.
These regulations are administered in the Department of Health.