



New South Wales

Poisons and Therapeutic Goods Amendment (Electronic Record of Information) Regulation 2015

under the

Poisons and Therapeutic Goods Act 1966

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Poisons and Therapeutic Goods Act 1966*.

JILLIAN SKINNER, MP
Minister for Health

Explanatory note

The object of this Regulation is to amend the *Poisons and Therapeutic Goods Regulation 2008* to change the information that is required to be recorded by a pharmacist who supplies pseudoephedrine to a person without a prescription and to require the pharmacist to electronically record such information in the form approved by the Secretary of the NSW Ministry of Health.

This Regulation is made under the *Poisons and Therapeutic Goods Act 1966*, including section 45C (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Poisons and Therapeutic Goods Amendment (Electronic Record of Information) Regulation 2015*.

2 Commencement

This Regulation commences on 23 March 2016 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Poisons and Therapeutic Goods Regulation 2008

[1] Clause 24 Supply of certain Schedule 2 or 3 substances to be recorded

Omit clause 24 (1). Insert instead:

- (1) A pharmacist who supplies pseudoephedrine on prescription must record details of the supply in accordance with clause 55 as if pseudoephedrine were a restricted substance.
Maximum penalty: 20 penalty units or imprisonment for 3 months, or both.
- (1A) A pharmacist who supplies pseudoephedrine to a person without a prescription must, at the time of the supply, record the following details in an electronic form approved by the Secretary:
- (a) a unique reference number for the supply,
 - (b) the name of the person by whom the pseudoephedrine is supplied,
 - (c) the name and address of the person to whom the pseudoephedrine is supplied,
 - (d) the name, strength (if not readily apparent) and quantity of the pseudoephedrine supplied and the date on which it is supplied,
 - (e) if the pharmacist does not know the identity of the person to whom the pseudoephedrine is supplied, the unique reference number of a photo identification of the person and the type of that identification.
- Maximum penalty: 20 penalty units or imprisonment for 3 months, or both.

[2] Clause 24 (2)

Omit "Subclause (1) applies". Insert instead "Subclauses (1) and (1A) apply".

[3] Clause 24 (3)

Omit "Director-General". Insert instead "Secretary".

[4] Clause 24 (5)

Insert at the end of clause 24:

- (5) In this clause:
- photo identification** means any of the following types of identification held by the person being supplied:
- (a) an Australian driver licence that displays a photograph of the person, or
 - (b) a passport, or
 - (c) a NSW Photo Card issued under the *Photo Card Act 2005*, or
 - (d) a card issued under a law of the Commonwealth or another State or Territory for the purpose of proving the person's age which contains a photograph of the person in whose name the card is issued.

Secretary means the Secretary of the Ministry of Health.