Reprint
as at 7 September 2017

Misuse of Drugs Regulations 1977

(SR 1977/37)

Denis Blundell, Governor-General

Order in Council

At the Government House at Wellington this 8th day of March 1977

Present:
His Excellency the Governor-General in Council

Pursuant to the Misuse of Drugs Act 1975, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

Contents

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Health.

Regulations

Part 1
Preliminary

1 Title and commencement

(1) These regulations may be cited as the Misuse of Drugs Regulations 1977.

(2) Except as provided in regulation 28(6), these regulations shall come into force on 1 June 1977.

Regulation 1(2): amended, on 1 June 1977, by regulation 2 of the Misuse of Drugs Regulations 1977, Amendment No 1 (SR 1977/135).

2 Interpretation

(1) In these regulations, unless the context otherwise requires,—

Act means the Misuse of Drugs Act 1975

advertisement means any words, whether written, printed, or spoken, and any pictorial representation or design, used or appearing to be used to promote the sale of a controlled drug; and includes any trade circular, any label, and any advertisement in a trade journal

CBD product means a product that—

(a) contains cannabidiol; and

(b) if it contains other cannabinoids usually found in cannabis, contains those cannabinoids in a quantity that, in total, constitutes no more than 2% of the total quantity of cannabinoids in the product; and

(c) does not contain any other controlled drug; and

(d) does not contain a psychoactive substance (as defined in section 9 of the Psychoactive Substances Act 2013)

container, in relation to a controlled drug, means the bottle, jar, box, packet, or other receptacle that contains or is to contain the drug, not being a capsule, cachet, or other article in which a controlled drug is or is to be administered; but, where any such receptacle is or is to be contained in another receptacle, does not include the latter receptacle

controlled drug prescriber means—

(a) a medical practitioner:

(b) a dentist:

(c) a nurse practitioner:

(d) a midwife:

(e) a designated prescriber nurse:

(f) a designated prescriber pharmacist:

(g) a veterinarian

to deal in means to manufacture, to use in manufacture, to supply, or to administer

dealer's licence means a licence authorising a person to deal in controlled drugs

designated prescriber nurse means a registered nurse who—

(a) is a designated prescriber; and

(b) is acting within his or her scope of practice

designated prescriber pharmacist means a pharmacist who—

(a) is a designated prescriber; and

(b) is acting within his or her scope of practice

Director-General means the person for the time being holding the office of Director-General of Health under the Health Act 1956; and includes any person to whom subclause (2) for the time being applies

exempted drug means a controlled drug for the time being named or described in Part 6 of Schedule 3 of the Act

hospital means a hospital care institution within the meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001

industrial hemp has the same meaning as in the Misuse of Drugs (Industrial Hemp) Regulations 2006

licence means a licence granted under these regulations; and **licensed** and **licensee** have corresponding meanings

manager, in relation to a hospital, includes an acting manager

manufacture means any process by which controlled drugs may be obtained, other than the separation of opium, coca leaves, cannabis resin, cannabis fruit, or cannabis seed from plants; and includes refining and the transformation of controlled drugs into other controlled drugs

name, in relation to a controlled drug, means the name, if any, by which the controlled drug is for the time being called in any Schedule of the Act; and **named** has a corresponding meaning

officer means a person for the time being authorised by the Minister to exercise the powers referred to in section 19(1) of the Act

partially exempted drug means a controlled drug that is either of the following:

(a) a controlled drug for the time being named or described in clauses 1 to 5 of Part 3 of Schedule 3 of the Act:

(b) a preparation of pseudoephedrine that is—

(i) named or described in clause 6 of Part 3 of Schedule 3 of the Act; or

(ii) in a modified or sustained release formulation that delivers no more than 240 mg of pseudoephedrine in a 24-hour period

pharmacy means a place where pharmacy practice is carried on

pharmacy practice has the same meaning as in section 2(1) of the Medicines Act 1981

practitioner means a medical practitioner, dentist, or veterinarian

principal display panel means the part of a label that is most likely to be displayed, presented, shown, or examined under ordinary or customary conditions of display for retail sale, and, if such likelihood is equal in respect of 2 or more panels, means every such panel

registered nurse means a health practitioner who—

(a) is, or is deemed to be, registered with the Nursing Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of nursing and whose scope of practice permits the performance of registered nurse functions; and

(b) holds a current practising certificate.

(2) Any power conferred on the Director-General by these regulations may be exercised by any officer of the Ministry of Health nominated by the Director-General for the purpose subject to the general control of the Director-General.

Regulation 2(1) **CBD product**: inserted, on 7 September 2017, by regulation 4 of the Misuse of Drugs Amendment Regulations 2017 (LI 2017/198).

Regulation 2(1) **controlled drug prescriber**: inserted, on 1 July 2014, by regulation 4(2) of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 2(1) **dentist**: revoked, on 1 July 2014, by regulation 4(1)(a) of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 2(1) **designated pharmacist prescriber**: revoked, on 1 July 2014, by regulation 4(1)(b) of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 2(1) **designated prescriber nurse**: replaced, on 1 July 2014, by regulation 4(2) of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 2(1) **designated prescriber nurse**: amended, on 20 September 2016, by regulation 4(1) of the Misuse of Drugs Amendment Regulations 2016 (LI 2016/139).

Regulation 2(1) **designated prescriber pharmacist**: inserted, on 1 July 2014, by regulation 4(2) of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 2(1) **hospital**: replaced, on 1 October 2002, by section 58(3) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

Regulation 2(1) **industrial hemp**: inserted, on 1 August 2006, by regulation 4 of the Misuse of Drugs Amendment Regulations 2006 (SR 2006/164).

Regulation 2(1) **manager**: inserted, on 1 July 1993, by regulation 2(1) of the Misuse of Drugs Regulations 1977, Amendment No 10 (SR 1993/157).

Regulation 2(1) **medical practitioner**: revoked, on 1 July 2014, by regulation 4(1)(d) of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 2(1) **midwife**: revoked, on 1 July 2014, by regulation 4(1)(e) of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 2(1) **nurse**: revoked, on 20 September 2016, by regulation 4(2) of the Misuse of Drugs Amendment Regulations 2016 (LI 2016/139).

Regulation 2(1) **partially exempted drug**: replaced, on 15 October 2004, by regulation 3 of the Misuse of Drugs (Ephedrine and Pseudoephedrine) Amendment Regulations 2004 (SR 2004/315).

Regulation 2(1) **pharmacist**: revoked, on 1 July 2014, by regulation 4(1)(f) of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 2(1) **pharmacy**: inserted, on 18 September 2004, by section 175(3) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Regulation 2(1) **pharmacy practice**: inserted, on 18 September 2004, by section 175(3) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Regulation 2(1) **practitioner**: amended, on 1 July 2014, by regulation 4(3) of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 2(1) **practitioner**: amended, on 22 December 2005, pursuant to section 95 of the Veterinarians Act 2005 (2005 No 126).

Regulation 2(1) **private hospital**: revoked, on 1 July 1993, by regulation 2(2) of the Misuse of Drugs Regulations 1977, Amendment No 10 (SR 1993/157).

Regulation 2(1) **registered midwife**: revoked, on 18 September 2004, by section 175(3) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Regulation 2(1) **registered nurse**: inserted, on 20 September 2016, by regulation 4(3) of the Misuse of Drugs Amendment Regulations 2016 (LI 2016/139).

Regulation 2(2): amended, on 1 July 1993, by regulation 2(3) of the Misuse of Drugs Regulations 1977, Amendment No 10 (SR 1993/157).

Part 2
Licences

3 Application for and issue of licences

(1) Except with the written approval of the Minister given in relation to a particular case, no licence may be granted to deal in a controlled drug for the time being named in—

(a) Schedule 1 of the Act:

(b) Part 1 of Schedule 2 of the Act:

(c) Part 1 of Schedule 3 of the Act.

(1A) However, the approval of the Minister under subclause (1) is not required for the grant of a licence to deal in—

(a) cocaine, or in anything to which any of clauses 2 to 5 of Schedule 1 of the Act for the time being applies in relation to cocaine:

(b) morphine or opium, or in anything to which any of clauses 2 to 5 of Part 1 of Schedule 2 of the Act for the time being applies in relation to morphine or opium.

(2) Every person who desires to obtain a licence under these regulations shall apply therefor to the Director-General on a form to be provided by the Ministry of Health, or, with the approval of the Medical Officer of Health, otherwise in writing.

(3) The Director-General or the Medical Officer of Health may require any applicant for a licence to furnish information, by statutory declaration or otherwise, as to the nature of his or her business, the extent to which he or she proposes to deal in or otherwise utilise controlled drugs, and any other matter that appears to the Director-General or the Medical Officer of Health to be relevant.

(4) Subject to section 14 of the Act and to subclauses (2) to (4) of regulation 7, the Director-General, if he or she is satisfied as to the propriety of the application, and, in the case of an applicant other than a government department or a corporate body, as to the character of the applicant, and if he or she is also satisfied that the granting of a licence will not conflict with the international obligations of New Zealand, shall, upon the payment of the appropriate licence fee set out in Schedule 1AA, grant to the applicant a licence, for the purposes stated in the application, in terms required or permitted by these regulations and subject to such conditions, in addition to the conditions prescribed by or inserted in the licence pursuant to these regulations, as the Director-General sees fit to impose:

provided that the Director-General may, at his or her discretion, remit the whole or part of such fee in any particular case or class of cases or in relation to any particular licence or class of licences.

(5) Particulars of every licence shall be entered in a register kept for the purpose in the Ministry of Health.

(6) Subject to these regulations, every licence shall be in such form as the Director-General may from time to time determine generally or in relation to any particular licence or class of licences.

(7) Every licence shall be subject to the condition that the licensee will not contravene any provision of regulations 22 to 28, 31 to 33, 38, 40, 42, and 47, and will comply with every such provision so far as it is applicable.

(8) For the purposes of section 14(6) of the Act and subclause (7) of this regulation, every contravention of or failure to comply with any provision of any regulation referred to in that subclause shall be a separate offence.

Regulation 3(1): replaced, on 11 October 2001, by regulation 4 of the Misuse of Drugs Amendment Regulations 2001 (SR 2001/231).

Regulation 3(1A): inserted, on 11 October 2001, by regulation 4 of the Misuse of Drugs Amendment Regulations 2001 (SR 2001/231).

Regulation 3(2): amended, on 1 July 1993, by regulation 3(1) of the Misuse of Drugs Regulations 1977, Amendment No 10 (SR 1993/157).

Regulation 3(4): amended, on 21 August 2006, by regulation 4 of the Misuse of Drugs (Fees) Amendment Regulations 2006 (SR 2006/189).

Regulation 3(5): amended, on 1 July 1993, by regulation 3(2) of the Misuse of Drugs Regulations 1977, Amendment No 10 (SR 1993/157).

3A Fees inclusive of GST

The fees fixed by these regulations are inclusive of goods and services tax under the Goods and Services Tax Act 1985.

Regulation 3A: inserted, on 21 August 2006, by regulation 5 of the Misuse of Drugs (Fees) Amendment Regulations 2006 (SR 2006/189).

3B Application to industrial hemp

(1) No licence under these regulations may be issued in respect of industrial hemp.

(2) Despite subclause (1), a licence may, in accordance with regulation 7, be issued to import or export industrial hemp.

Regulation 3B: inserted, as regulation 3A, on 1 August 2006, by regulation 5 of the Misuse of Drugs Amendment Regulations 2006 (SR 2006/164).

4 Dealers' licences

(1) Without prejudice to the generality of the expression "the propriety of the application" in regulation 3(4), the following matters shall be relevant to the propriety of any application for a dealer's licence:

(a) the necessity or expediency of the applicant holding a dealer's licence for the purpose of carrying on his or her lawful affairs:

(b) the situation and construction of the premises at which the applicant intends to deal in controlled drugs:

(c) the conditions under which the applicant intends to deal in controlled drugs:

(d) the kind or class of controlled drugs in which the applicant intends to deal and also, if he or she intends to manufacture controlled drugs, the amounts of the controlled drugs that he or she intends to manufacture.

(2) Every dealer's licence—

(a) shall specify the kind or kinds of dealing authorised by the licence; and

(b) shall state that the licensee is authorised to deal in all controlled drugs, or, if that is not the case, shall specify, either by reference to a schedule of the Act or to a Part of any such schedule or by naming or otherwise identifying particular controlled drugs, the controlled drugs in which the licensee is authorised to deal; and

(c) shall specify, where the licence confers authority to manufacture controlled drugs, the amounts of the controlled drugs (other than exempted drugs) that the licensee is entitled to manufacture; and

(d) shall specify the full address of the premises at which the licensee may deal in controlled drugs.

(3) No dealer's licence shall have the effect of authorising any manner of dealing in controlled drugs other than the manner specified or described in the licence, and no licence in which any controlled drug is specified shall have the effect of authorising the licensee to deal in any controlled drug not so specified.

(4) A separate dealer's licence shall be necessary in respect of each different address at which the licensee intends to deal in controlled drugs, and no dealer's licence shall have the effect of authorising the licensee to deal in controlled drugs elsewhere than at the address specified in the licence.

(5) A dealer's licence may not authorise—

(a) the supply of a controlled drug otherwise than pursuant to a prescription or order issued by a controlled drug prescriber; or

(b) the administration of a controlled drug otherwise than in accordance with the advice of the controlled drug prescriber who supplied or prescribed the controlled drug.

(6) Subclause (5) is subject to regulation 20.

Regulation 4(5): replaced, on 1 July 2014, by regulation 5 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 4(6): inserted, on 1 July 2014, by regulation 5 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

5 Endorsements on dealers' licences

(1) Every holder of a dealer's licence who wishes to deal in any controlled drug not specified in his or her licence, or to deal in any controlled drug in a manner not specified in his or her licence, shall apply in that behalf to the Director-General, and shall deliver his or her licence for endorsement.

(2) Every holder of a dealer's licence who wishes to deal in controlled drugs at any premises instead of the premises named in his or her licence shall apply in that behalf to the Director-General, specifying in his or her application the full address of the proposed substituted premises, and shall deliver his or her licence for endorsement.

(3) If the Director-General approves an application under subclause (1) or subclause (2), he or she shall endorse the licence accordingly and enter particulars of the endorsement in the register referred to in regulation 3(5), and the licence thereafter shall have effect according to the tenor of the endorsement.

(4) No fee shall be payable in respect of an application under this regulation.

6 Duration and renewal of dealers' licences

(1) Unless sooner revoked under regulation 11, and subject to the succeeding provisions of this regulation, every dealer's licence shall continue in force for a period of 1 year, and shall then expire.

(2) Any licence issued within the period of 2 months prior to the date of expiration of an existing licence that it is intended to supersede shall continue in force for a period of 1 year from that date.

(3) If a licensee applies for a new licence not more than 3 months and not less than 1 month before the date of expiration of an existing licence that the new licence is intended to supersede, and the new licence is not granted before that date, the existing licence shall continue in force until the new licence is granted or refused.

(4) Every holder of a dealer's licence who desires to be licensed in the same terms after the expiration of a current licence shall apply in that behalf to the Director-General and pay the appropriate licence fee set out in Schedule 1AA at least 1 month before the expiration of his or her current licence, and it shall not be necessary to specify in the application the controlled drugs to which it is desired that the licence shall relate:

provided that the Director-General may, at his or her discretion, remit the whole or part of the licence fee in any particular case or class of cases, or in relation to any particular licence or class of licences.

Regulation 6(4): amended, on 21 August 2006, by regulation 6 of the Misuse of Drugs (Fees) Amendment Regulations 2006 (SR 2006/189).

7 Import and export licences

(1) Without prejudice to the generality of the expression "the propriety of the application" in regulation 3(4), the purpose specified in any application for a licence to import or a licence to export controlled drugs as the purpose for which the controlled drugs are intended to be used after they have been imported or exported shall be relevant to the propriety of the application.

(2) Except with the written approval of the Minister given in relation to a particular case, no licence may be granted to import or export a controlled drug for the time being named in—

(a) Schedule 1 of the Act:

(b) Part 1 of Schedule 2 of the Act:

(c) Part 1 of Schedule 3 of the Act.

(2A) However, the approval of the Minister under subclause (2) is not required for the grant of a licence to import or export—

(a) cocaine, or in anything to which any of clauses 2 to 5 of Schedule 1 of the Act for the time being applies in relation to cocaine:

(b) morphine or opium, or in anything to which any of clauses 2 to 5 of Part 1 of Schedule 2 of the Act for the time being applies in relation to morphine or opium.

(3) A licence to export controlled drugs shall be granted only on production of a certificate from the competent authority of the country to which the controlled

drugs are to be exported to the effect that the importation into that country of the controlled drugs specified therein is approved.

(4) A licence to export controlled drugs for the purpose of placing them in a bonded warehouse shall be granted only if the Government of the importing country certifies on the certificate referred to in subclause (3) that it has approved the importation for the purpose of being placed in a bonded warehouse.

(5) Every licence to import and every licence to export controlled drugs shall specify the name or description of the controlled drug that is the subject of the licence, the quantity of the controlled drug permitted to be imported or exported, the name and address of the importer or exporter, the period within which the importation or exportation must be effected, and the address (not being a post office or a telegraphic or code address) to which the controlled drugs are to be consigned.

(6) Every licence to export controlled drugs shall identify the import certificate referred to in subclause (3) by reference to the number and date of the certificate and the authority by whom it was issued and, in every case where the controlled drugs are being exported for the purpose of being placed in a bonded warehouse, the licence shall specify that the controlled drugs are being exported for that purpose.

(7) Every licence to export controlled drugs shall be subject to the condition that a copy of the licence will accompany each consignment of the controlled drugs to which the licence relates.

(8) Every licence to import and every licence to export controlled drugs shall cease to have effect on the expiration of the period stated therein as the period within which importation or exportation must be effected.

Regulation 7(2): replaced, on 11 October 2001, by regulation 6 of the Misuse of Drugs Amendment Regulations 2001 (SR 2001/231).

Regulation 7(2A): inserted, on 11 October 2001, by regulation 6 of the Misuse of Drugs Amendment Regulations 2001 (SR 2001/231).

8 Licences to cultivate

(1) Every licence to cultivate a prohibited plant shall specify the prohibited plant that the licensee may cultivate, and, without prejudice to the power of the Director-General to impose conditions to which the licence is subject, shall describe the land or specify the full address of the premises on which such cultivation is authorised and specify either the area of that land or the number of plants that may be cultivated thereon or at such premises at any one time.

(2) No licence to cultivate a prohibited plant shall authorise the cultivation—

(a) of any plant of the species *Lophophora williamsii* or *Lophophora lewinii* for the purpose of the production of mescaline:

(b) of any plant of the species *Psilocybe mexicana* or *Psilocybe cubensis* for the purpose of the production of psilocine or psilocybine.

(3) A licence to cultivate a prohibited plant shall cease to have effect on the expiration of the period, if any, specified therein in that behalf, but any such licence may be granted for an indefinite period.

9 Licences to possess controlled drugs

(1) Subject to section 14 of the Act, a licence to possess controlled drugs may be granted—

(a) to any person, specified by name or office, in charge of or employed at a field research station, or in charge of or employed in a laboratory maintained for the purpose of research and study at a university or other institution; or

(b) to any other person if the Director-General is of the opinion that—

(i) that person may not be entitled by or under any other provision of these regulations to possess controlled drugs for the purpose for which that person requires controlled drugs; and

(ii) that purpose is a proper purpose.

(2) A licence to possess controlled drugs—

(a) shall specify the paragraph of subclause (1) under which it is granted:

(b) shall specify the purpose for which it is granted:

(c) shall specify the controlled drugs to which it applies:

(d) may specify the quantities of controlled drugs that may be in the possession of the licensee at any one time.

(3) A licence to possess controlled drugs shall not have the effect of authorising the possession of controlled drugs of a kind other, or in greater quantity than, the kind or quantity (if any) specified in the licence, or the kind or quantity required for the purpose of the field research station or laboratory or other purpose specified in the licence.

(4) A licence to possess controlled drugs shall cease to have effect on the expiration of the period (if any) specified therein in that behalf, but any such licence may be granted for an indefinite period.

10 Licences not to be assigned

(1) No licence, and no right thereby conferred, shall be exercised by any person other than the licensee, or be assigned, charged, or alienated to or in favour of, or be capable of devolving upon, any person, whether by act of the parties or by operation of law.

(2) Notwithstanding anything in subclause (1), where a licence is granted to an officer of a government department or other instrument of the Crown, or to a person pursuant to regulation 9(1)(a), in the name of his or her office, any person holding or acting in that office for the time being, but no other person, shall be the licensee.

11 Revocation of licences

(1) The Minister may at any time, by notice in the *Gazette*, revoke a licence—

(a) if the licensee is convicted of an offence against the Act or these regulations; or

(b) if the Minister is satisfied that the licensee has contravened or failed to comply with any condition contained in the licence whether imposed by these regulations or by the terms of that licence; or

(c) if it appears to the Minister that the licence has been granted in error or through any misrepresentation or fraud, or has been granted without his or her approval to a person to whom, or in respect of a controlled drug in relation to which, the licence should not have been granted without the approval of the Minister.

(2) Every person whose licence is revoked shall deliver his or her licence to the Director-General within 1 month after that revocation.

(3) Every person who fails to comply with subclause (2) commits an offence against these regulations.

Part 3
Permissions

12 Effect of this Part

(1) The several permissions conferred by this Part may be exercised without any licence in that behalf, but nothing herein contained shall prevent the grant of a licence to any person.

(2) This Part shall be read subject to Parts 4, 5, and 6.

(3) Every person, other than a licensee, who contravenes any provision of regulations 21 to 26, 28, 29, 31 to 33, 35, 37, 38, 40, 42 to 45, or 47, or fails to comply with any such provision to the extent that it is applicable, commits an offence against these regulations.

12A Authority for designated prescriber nurses, designated prescriber pharmacists, midwives, and nurse practitioners to prescribe certain controlled drugs

(1) For the purposes of section 8(2A)(a) of the Act,—

(a) a designated prescriber nurse is authorised by this regulation to prescribe a controlled drug specified in Schedule 1A:

(b) a designated prescriber pharmacist is authorised by this regulation to prescribe a controlled drug specified in Schedule 1B:

(c) a midwife is authorised by this regulation to prescribe a controlled drug specified in Schedule 1C:

(d) a nurse practitioner is authorised by this regulation to prescribe any—

(i) Class A controlled drug:

(ii) Class B controlled drug:

(iii) Class C controlled drug.

(2) The authorities given in subclause (1) are subject to—

(a) sections 22 to 25 of the Act; and

(b) any prohibitions, limitations, restrictions, or conditions imposed by or under those sections or by regulations made under the Act.

Regulation 12A: replaced, on 1 July 2014, by regulation 6 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

12B Permissions relating to prescription of controlled drugs authorised under regulation 12A

(1) This section applies to any person (a **patient**) for whom a controlled drug is—

(a) supplied by a prescriber; or

(b) prescribed by a prescriber and lawfully supplied.

(2) The controlled drug may be administered to the patient by—

(a) the patient himself or herself in accordance with the advice of the prescriber; or

(b) a person who has the care of the patient in accordance with the advice of the prescriber.

(3) Subclauses (1) and (2) contain permissions that—

(a) are exceptions to the prohibitions in sections 6(1) and 7(1) of the Act; and

(b) are subject to—

(i) sections 22 to 25 of the Act; and

(ii) any prohibitions, limitations, restrictions, or conditions imposed by or under those sections or by regulations made under the Act.

(4) In this section, **prescriber** means any of the following authorised prescribers who prescribes a controlled drug in accordance with an authority given under regulation 12A:

(a) a designated prescriber nurse:

(b) a designated prescriber pharmacist:

(c) a midwife:

(d) a nurse practitioner.

Regulation 12B: replaced, on 1 July 2014, by regulation 6 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

12C Authority for designated pharmacist prescribers to prescribe certain controlled drugs

[Revoked]

Regulation 12C: revoked, on 1 July 2014, by regulation 6 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

13 Manufacture and use in manufacture

(1) Any person may use an exempted drug in the manufacture of another exempted drug, or of a product that is not a controlled drug.

(2) Any medical practitioner or dentist may use any controlled drug in the manufacture of any other controlled drug required for the treatment of a patient under his or her care.

(3) Any veterinarian within the meaning of section 4 of the Veterinarians Act 2005 may use any controlled drug in the manufacture of any other controlled drug required for the treatment of an animal under his or her care.

(4) Any pharmacist may use any controlled drug in the manufacture of any other controlled drug that he or she is authorised to produce or manufacture by section 8(2)(b) of the Act.

(5) Nothing in subclauses (2) to (4) shall apply to any practitioner or pharmacist who is for the time being prohibited under section 23 of the Act from prescribing, producing, manufacturing, or supplying controlled drugs.

Regulation 13(3): amended, on 22 December 2005, pursuant to section 95 of the Veterinarians Act 2005 (2005 No 126).

14 General authority of licensees to possess

(1) Any person who is licensed under these regulations to import or export a controlled drug or to deal in a controlled drug may possess that drug in the manner and for the purpose expressed or implied in the licence.

(2) Any person who is licensed under these regulations to cultivate a prohibited plant may possess the seed and fruit of that plant in the manner and for the purpose expressed or implied in that licence.

14A Authority to import CBD products

A medical practitioner, a person who holds a licence to operate a pharmacy under the Medicines Act 1981, or a person who holds a licence to deal in controlled drugs under the Act may—

(a) import a CBD product; and

(b) possess or supply a CBD product that the person imports.

Regulation 14A: inserted, on 7 September 2017, by regulation 5 of the Misuse of Drugs Amendment Regulations 2017 (LI 2017/198).

15 Hospitals and other institutions

Without prejudice to any provision of section 8(2) of the Act, every manager of a hospital, and every manager of an institution for the care of the sick or aged that is for the time being approved by the Director-General for the purposes of this regulation, may possess any controlled drug named or described in Part 2 of Schedule 3 of the Act and any partially exempted drug.

Regulation 15 heading: amended, on 1 July 1993, by regulation 4 of the Misuse of Drugs Regulations 1977, Amendment No 10 (SR 1993/157).

Regulation 15: amended, on 15 October 2004, by regulation 4(1) of the Misuse of Drugs (Ephedrine and Pseudoephedrine) Amendment Regulations 2004 (SR 2004/315).

Regulation 15: amended, on 15 October 2004, by regulation 4(2) of the Misuse of Drugs (Ephedrine and Pseudoephedrine) Amendment Regulations 2004 (SR 2004/315).

Regulation 15: amended, on 1 July 1993, by regulation 4 of the Misuse of Drugs Regulations 1977, Amendment No 10 (SR 1993/157).

16 Seeds and fruit of prohibited plants

(1) This regulation applies to seeds and fruit, not being controlled drugs, of prohibited plants.

(2) Any person in the service of the Crown may possess any seed or fruit to which this regulation for the time being applies for the purposes of and in connection with his or her official duties.

(3) Any carrier, and any agent or servant of a carrier, may possess any seed or fruit to which this regulation for the time being applies in the course of carriage to such extent as is necessary or incidental to the business of the carrier.

17 Special authority for masters of vessels

(1) The master of any vessel for the time being within the territorial limits of New Zealand, and any person acting under his or her directions and on his or her behalf, may possess, import, export, and administer any controlled drug authorised or required to be carried on that vessel by any law to which that vessel is subject, and lawfully supplied to him or her.

(2) Nothing in subclause (1) shall authorise the master of any vessel or any other person—

(a) to possess controlled drugs elsewhere than on the vessel of which the first-mentioned person is the master, except while the controlled drugs are being conveyed from the place where they were procured by either of those persons to that vessel; or

(b) to import, export, administer, or otherwise use controlled drugs except for the purpose of treating sick or injured persons on that vessel.

18 Special authority for captains of aircraft

(1) The person in charge of any aircraft for the time being within the territorial limits of New Zealand, and any person acting under his or her directions and

on his or her behalf, may possess, import, export, and, in any case where the administration of a controlled drug is expedient for the purpose of treating a sick or injured person in an emergency, administer to that person any controlled drug authorised or required to be carried on the aircraft by any law to which that aircraft is subject, and lawfully supplied to him or her.

(2) Nothing in subclause (1) shall authorise the person for the time being in charge of any aircraft or any other person—

(a) to possess controlled drugs elsewhere than on the aircraft of which the first-mentioned person is for the time being in charge, except while the controlled drugs are being conveyed from the place where they were procured by either of those persons to that aircraft or while the aircraft is being surveyed, examined, or overhauled; or

(b) to import, export, administer, or otherwise use controlled drugs except for the purpose of treating sick or injured persons in an emergency.

19 First-aid kits

(1) In this regulation the expression **approved first-aid kit** means a first-aid kit that is held for ready use in the event of emergency in a place, locality, vessel, or vehicle approved in writing by the Medical Officer of Health, and that is—

(a) under the control of a person in an isolated locality where workers are employed; or

(b) under the control of a nurse appointed as an occupational health nurse in any place where a first-aid post or similar post is established for the benefit of workers employed there; or

(c) under the control of a person representing an organisation established for search and rescue in mountainous or isolated areas; or

(d) under the control of a person belonging to a class approved by the Director-General or under the control of any person in a place, locality, vessel, or vehicle so approved.

(2) Any approval for the purposes of subclause (1) shall be deemed to be given upon and subject to such terms and conditions as may be specified therein, and may at any time be revoked by the Director-General, whether or not the approval was given by him or her.

(3) Subject to the provisions of this regulation and to any conditions that may from time to time be imposed by the Medical Officer of Health in any particular case, any person for the time being having control of an approved first-aid kit may possess and administer to any person any controlled drug lawfully contained in that kit.

(4) Nothing in subclause (3) shall authorise any person to administer controlled drugs except for the purpose of treating a sick or injured person in an emergency arising in the locality, vessel, or vehicle for which the controlled drugs were supplied.

(5) The permission conferred by subclause (3) shall extend to any person nominated in writing in that behalf by the person having the approved first-aid kit under his or her control.

(6) Every person in possession of controlled drugs by virtue of subclause (3) who, except as may be permitted by the Medical Officer of Health, keeps those controlled drugs, or causes or permits them to be kept, elsewhere than in an approved first-aid kit under his or her control or under the control of a person nominated in that behalf pursuant to subclause (5), or who contravenes or fails to comply with any condition imposed by the Medical Officer of Health under subclause (3), commits an offence against these regulations.

(7) Every nomination under subclause (5), and any controlled drug possessed by virtue of this regulation, shall be available at any time for inspection by any constable or any officer.

(8) Any person having control of an approved first-aid kit, and wishing to obtain controlled drugs for the purposes of that kit, shall apply in writing to the Medical Officer of Health in that behalf, specifying—

(a) the name and quantity of the controlled drugs required:

(b) in the case of a first-aid kit in a place where workers are employed, the number of workers to be served:

(c) details of the locality where the work is to be performed, or of the area in which the first-aid kit is likely to be used, and the period for which the supply is required:

(d) such other particulars as the Medical Officer of Health may require.

Regulation 19(1)(b): amended, on 18 September 2004, by section 175(3) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Regulation 19(7): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

20 Supply and administration of controlled drugs without prescription

(1) Notwithstanding anything in section 8(2)(b) of the Act or regulation 4(5), a controlled drug may be supplied, otherwise than pursuant to a prescription, to or for—

(a) a person licensed or otherwise authorised to export, use in manufacture, or supply that drug:

(b) a person to whom the drug is supplied in an emergency in accordance with regulation 34:

(c) a person authorised to possess that drug by paragraph (g) or paragraph (i) of section 8(2) of the Act:

(d) a person licensed to possess the drug or authorised to possess the drug by any of regulations 15, 17, and 18:

(e) a person authorised to possess the drug by regulation 19 if the person supplying the drug has been authorised in writing by the Medical Officer of Health to supply the drug, on the particular occasion, to the person procuring it.

(2) Without prejudice to any provision of section 8 of the Act—

(a) any person may supply, otherwise than pursuant to a prescription, or administer, any partially exempted drug, subject to subclause (3):

(b) any person may administer, subject to and in accordance with regulation 36(2), a controlled drug to a maternity patient.

(3) For the purposes of subclause (2)(a), the following restrictions apply to the supply of any preparation of pseudoephedrine described in paragraph (b) of the definition of partially exempted drug:

(a) the preparation may be sold by retail, or supplied in circumstances corresponding to retail sale, only in the circumstances set out in paragraphs (a) and (b) of the definition of pharmacy-only medicine in section 3 of the Medicines Act 1981; and

(b) the package in which the preparation is sold or supplied must not contain more than 1.8 g of pseudoephedrine.

Regulation 20(2)(a): amended, on 15 October 2004, by regulation 5(1) of the Misuse of Drugs (Ephedrine and Pseudoephedrine) Amendment Regulations 2004 (SR 2004/315).

Regulation 20(3): inserted, on 15 October 2004, by regulation 5(2) of the Misuse of Drugs (Ephedrine and Pseudoephedrine) Amendment Regulations 2004 (SR 2004/315).

Part 4
Restrictions and conditions

21 Restrictions on application of section 8 of Act, etc

(1) Nothing in section 8 of the Act or in these regulations, or in any licence granted under these regulations, shall authorise any dealing in a controlled drug contrary to any provision of these regulations or of section 20 or section 24 of the Medicines Act 1981.

(2) No medical practitioner shall give a prescription for the supply of a controlled drug otherwise than for the medical treatment of a patient under his or her care, unless the medical practitioner is acting in the course of his or her employment in the service of the Crown.

(3) No dentist may give a prescription for the supply of a controlled drug—

(a) otherwise than for the treatment of a patient under the dentist's care; and

(b) in any quantity greater than the quantity reasonably required for the treatment of the patient for a period of 7 days.

(4) No designated prescriber nurse may (within the authority given by regulation 12A(1)(a)) give a prescription for the supply of a controlled drug—

(a) otherwise than for the treatment of a patient under the designated prescriber nurse's care; and

(b) *[Revoked]*

(c) in any quantity greater than the quantity reasonably required for the treatment of the patient for a period of 7 days.

(4A) *[Revoked]*

(4B) *[Revoked]*

(4C) *[Revoked]*

(5) No designated prescriber pharmacist may (within the authority given by regulation 12A(1)(b)) give a prescription for the supply of a controlled drug—

(a) otherwise than for the treatment of a patient under the designated prescriber pharmacist's care; and

(b) in any quantity greater than the quantity reasonably required for the treatment of the patient for a period of 3 days.

(5A) No midwife may (within the authority given by regulation 12A(1)(c)) give a prescription for the supply of a controlled drug otherwise than for the treatment of a patient under the midwife's care.

(5B) No nurse practitioner may (within the authority given by regulation 12A(1)(d)) give a prescription for the supply of a controlled drug—

(a) otherwise than for the treatment of a patient under the nurse practitioner's care; and

(b) in any quantity greater than the quantity reasonably required for the treatment of the patient for—

(i) a period of 1 month, in the case of a Class A controlled drug; or

(ii) a period of 1 month, in the case of a Class B controlled drug; or

(iii) a period of 3 months, in the case of a Class C controlled drug.

(5C) No veterinarian may give a prescription for the supply of a controlled drug otherwise than for administration to an animal under the veterinarian's care.

(6) Paragraph (c) of section 8(2) of the Act shall not apply where the person for whose benefit the controlled drug is supplied or prescribed is in the course of being supplied with the same controlled drug for the same purpose by another practitioner, or pursuant to a prescription given by another practitioner, and does not disclose that fact to the practitioner referred to in that paragraph before the supply of the controlled drug, or the giving of the material prescription, by that practitioner.

Regulation 21(1): amended, on 1 July 1993, by regulation 5 of the Misuse of Drugs Regulations 1977, Amendment No 10 (SR 1993/157).

Regulation 21(3): replaced, on 1 July 2014, by regulation 7 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 21(4): replaced, on 1 July 2014, by regulation 7 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 21(4)(b): revoked, on 20 September 2016, by regulation 5(1) of the Misuse of Drugs Amendment Regulations 2016 (LI 2016/139).

Regulation 21(4)(c): amended, on 20 September 2016, by regulation 5(2) of the Misuse of Drugs Amendment Regulations 2016 (LI 2016/139).

Regulation 21(4A): revoked, on 1 July 2014, by regulation 7 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 21(4B): revoked, on 1 July 2014, by regulation 7 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 21(4C): revoked, on 1 July 2014, by regulation 7 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 21(5): replaced, on 1 July 2014, by regulation 7 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 21(5A): inserted, on 1 July 2014, by regulation 7 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 21(5B): inserted, on 1 July 2014, by regulation 7 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 21(5C): inserted, on 1 July 2014, by regulation 7 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

22 Restriction on supply of certain controlled drugs

(1) Except to the extent and in the circumstances approved by the Minister either generally or in relation to any particular case or class of cases, no person may supply or administer to any other person, or may prescribe, any controlled drug for the time being named or described in—

(a) Schedule 1 of the Act:

(b) Part 1 or Part 2 of Schedule 2 of the Act:

(c) Part 1 of Schedule 3 of the Act.

(2) However, the approval of the Minister under subclause (1) is not required for the supply, administration, or prescribing of—

(a) cocaine, or anything to which any of clauses 2 to 5 of Schedule 1 of the Act for the time being applies in relation to cocaine:

(b) morphine or opium, or anything to which any of clauses 2 to 5 of Part 1 of Schedule 2 of the Act for the time being applies in relation to morphine or opium:

(c) a CBD product.

Regulation 22: replaced, on 11 October 2001, by regulation 9 of the Misuse of Drugs Amendment Regulations 2001 (SR 2001/231).

Regulation 22(2)(c): inserted, on 7 September 2017, by regulation 6 of the Misuse of Drugs Amendment Regulations 2017 (LI 2017/198).

23 Conditions of supply to agents

(1) No person other than a practitioner shall supply any Class A controlled drug or Class B controlled drug, not being a controlled drug supplied pursuant to a prescription, to any other person, unless the person supplying the controlled drug holds a written authority—

(a) setting out the name and address of the person for whom the controlled drug is to be supplied; and

(b) specifying by name and quantity the controlled drug to be supplied; and

(c) specifying or describing the intended method of delivery to the person for whom the controlled drug is to be supplied; and

(d) signed by the person for whom the controlled drug is to be supplied:

provided that in cases of emergency a controlled drug may be supplied without the written authority, but in that event the person to whom the controlled drug is supplied shall give the supplier the written authority within 48 hours after delivery, and, if the supplier fails to receive the authority within that period, he or she shall report the circumstances forthwith in writing to the Medical Officer of Health.

(2) Every person supplying a controlled drug pursuant to subclause (1) shall—

(a) before supplying the controlled drug (except where it is supplied pursuant to the proviso to that subclause) satisfy himself or herself that the authority referred to in that subclause has been duly completed, and, in particular, that it has been signed by the person for whom the controlled drug is to be supplied; and

(b) endorse on the face of that authority at the time of supply or at the time when he or she receives the authority, as the case may require, above the signature of the person for whom the controlled drug is to be supplied, the name and address of the premises from which, and the date on which, the controlled drug is or was supplied; and

(c) sign that endorsement; and

(d) retain that authority or cause that authority to be retained, in an orderly and consecutive manner in relation to other such authorities, at the premises from which the controlled drug was supplied for a period of 4 years from the date on which that controlled drug was supplied; and

(e) permit any constable and any officer to examine that authority and make copies thereof.

(3) No person shall supply any controlled drug for delivery through the post except for delivery by registered or insured post.

(4) This regulation shall not apply in respect of any exempted drug.

Regulation 23(1): amended, on 3 January 1980, by regulation 2 of the Misuse of Drugs Regulations 1977, Amendment No 3 (SR 1979/274).

Regulation 23(2)(e): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Regulation 23(3): amended, on 19 May 1978, by regulation 2(2) of the Misuse of Drugs Regulations 1977, Amendment No 2 (SR 1978/142).

Regulation 23(4): inserted, on 19 May 1978, by regulation 2(1) of the Misuse of Drugs Regulations 1977, Amendment No 2 (SR 1978/142).

24 Supply on prescription

(1) Subject to regulation 30, no person shall supply a controlled drug pursuant to a prescription that does not conform in all respects with regulation 29.

(2) No person shall supply a controlled drug pursuant to a prescription otherwise than by delivery, by himself or herself or by a person in his or her employment, to the person for whom the drug is intended or at the premises where that person resides, or by delivery by registered post, or by delivery through a carrier, unless—

(a) the person to whom he or she makes delivery gives to him or her a written authority in the terms that would have been required by regulation 23(1) if the controlled drug had not been dispensed pursuant to a prescription; or

(b) he is otherwise satisfied that the person to whom he or she makes delivery has the care of the person for whom the controlled drug is intended or is authorised by the last-mentioned person to accept delivery of the controlled drug.

25 Labelling of containers

(1) Except in the case of a container to which subclause (3) applies, no person shall supply any controlled drug (other than an exempted drug) unless the container containing the controlled drug bears a label setting out, in letters of a colour contrasting clearly with the colour of the background, the following:

(a) in the upper part of the principal display panel, printed in conspicuous block capital letters, the words “CONTROLLED DRUG”, followed immediately by the appropriate designation specified in subclause (2); and

(b) the name of the controlled drug supplied; and

(c) directions for use, or, in the case of a drug for internal use, the recommended dose and frequency of the dose; and

(d) where the controlled drug is in the form of a preparation, mixture, or article, the name (if any) of the preparation, mixture, or article, together with a statement of the proportion that the controlled drug bears to the total ingredients of the preparation, mixture, or article, indicating (if the proportion is stated as a percentage) whether the percentage is calculated on the basis of weight in weight, or weight in volume, or volume in volume; and

(e) the name and address of the manufacturer, or the packer, or the seller by wholesale or by retail.

(2) For the purposes of subclause (1), the appropriate designation, in relation to a controlled drug, is as follows:

"(A)" to indicate a controlled drug for the time being named or described in Schedule 1 of the Act:

"(B1)" to indicate a controlled drug for the time being named or described in Part 1 of Schedule 2 of the Act:

"(B2)" to indicate a controlled drug for the time being named or described in Part 2 of Schedule 2 of the Act:

"(B3)" to indicate a controlled drug for the time being named or described in Part 3 of Schedule 2 of the Act:

"(C1)" to indicate a controlled drug for the time being named or described in Part 1 of Schedule 3 of the Act:

"(C2)" to indicate a controlled drug for the time being named or described in Part 2 of Schedule 3 of the Act:

"(C3)" to indicate a controlled drug for the time being named or described in Part 3 of Schedule 3 of the Act:

"(C4)" to indicate a controlled drug for the time being named or described in Part 4 of Schedule 3 of the Act:

"(C5)" to indicate a controlled drug for the time being named or described in Part 5 of Schedule 3 of the Act.

(3) Subclause (1) does not apply,—

(a) in respect of ephedrine or pseudoephedrine, if—

(i) the drug is enclosed in a primary container that complies with regulation 15(2) of the Medicines Regulations 1984; and

(ii) the larger container in which the strips of primary containers are contained complies with subclause (1); and

(b) in respect of all other controlled drugs, if—

(i) the drug is contained in a safety container within the meaning of regulation 2(1) of the Medicines Regulations 1984; and

(ii) the labelling of the safety container complies with the Medicines Regulations 1984.

(3A) Subclause (1) does not apply in respect of any controlled drug supplied pursuant to a prescription signed by a controlled drug prescriber.

(4) No person shall, in the course of any profession or business, supply any controlled drug (other than an exempted drug) as a medicine for human use, with reference to the needs of a particular patient, unless the container of the controlled drug bears a label setting out the following:

(a) either—

(i) the general nature of the medicine, and a recognised code that indicates the precise nature of the contents or consists of a reference to a prescription book or similar record; or

(ii) the name or a description of the nature of the contents; and

(b) either—

(i) in the case of a medicine for internal use, the dose and frequency of the dose; or

(ii) in the case of a medicine for external use, the directions for use; and

(c) the name of the patient; and

(d) the name and address of the supplier.

(5) No person shall, in the course of any profession or business, supply any controlled drug (other than an exempted drug) as a remedy for the treatment of an animal, unless the container of the controlled drug bears a label setting out the following:

(a) either—

(i) the general nature of the remedy, and a recognised code that indicates the precise nature of the contents or consists of a reference to a prescription book or similar record; or

(ii) the name or a description of the nature of the contents; and

(b) the directions for use; and

(c) the name of the person in charge of the animal; and

(d) the words "Not for Human Use" or the words "For Veterinary Use Only".

(6) Notwithstanding anything in subclause (1), nothing in that subclause shall apply during the period of 12 months commencing with the date of the commencement of the Act with respect to any controlled drug that, immediately before that date, was a poison within the meaning of the Poisons Act 1960 and that, at that date, was part of the existing stock-in-trade in New Zealand of any person lawfully carrying on business there, if the controlled drug is contained in a container labelled in accordance with all of those requirements of the Poisons Regulations 1964 (SR 1964/64) that were applicable to it at the said date. For the purposes of this subclause any controlled drug purchased before the said date for importation into New Zealand shall be deemed to be part of the purchaser's stock-in-trade in New Zealand.

(7) In any proceedings in respect of an alleged contravention of subclause (1) in which subclause (6) is pleaded in defence, the burden of proving that the provisions of that subclause afford a defence to the particular charge shall lie on the person charged.

Regulation 25(3): replaced, on 15 October 2004, by regulation 6(1) of the Misuse of Drugs (Ephedrine and Pseudoephedrine) Amendment Regulations 2004 (SR 2004/315).

Regulation 25(3)(a)(i): amended, on 1 August 2011, by regulation 30(2) of the Medicines Amendment Regulations 2011 (SR 2011/245).

Regulation 25(3)(b)(ii): replaced, on 1 August 2011, by regulation 30(3) of the Medicines Amendment Regulations 2011 (SR 2011/245).

Regulation 25(3A): replaced, on 1 July 2014, by regulation 8 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

26 Restrictions on sizes of containers

(1) *[Revoked]*

(2) Subject to subclause (3), no person shall supply to a pharmacy a controlled drug of any type or kind specified in any of paragraphs (a) to (e) in a container that contains a quantity of that drug in excess of the amount so specified:

(a) powders:

cocaine hydrochloride:

methadone hydrochloride:

morphine hydrochloride:

morphine sulphate:

an amount per container not exceeding 2 grams:

(b) liquid dose form of methadone or morphine:

an amount per container not exceeding 100 millilitres or, where the total amount of morphine or methadone in a container does not exceed 2 grams, an amount per container not exceeding 200 millilitres:

(c) liquid dose form of nepenthe or opium tincture:

an amount per container not exceeding 100 millilitres:

(d) solid dose form:

dextromoramide:

levorphanol:

methadone:

morphine sulphate:

papaveretum:

pethidine:

an amount per container not exceeding 10 items in solid dose form:

(e) ampoules (whether or not the controlled drug is mixed with any other substance):

dextromoramide:

levorphanol:

methadone:

morphine:

papaveretum:

pethidine:

an amount per container not exceeding 5 ampoules.

(3) Subclause (2) shall not apply to a controlled drug packed for supply in its original container to a hospital or other institution.

Regulation 26: replaced, on 9 May 1995, by regulation 2(1) of the Misuse of Drugs Regulations 1977, Amendment No 11 (SR 1995/75).

Regulation 26(1): revoked, on 18 September 2004, by section 175(3) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

27 Controlled drugs used for exempted drugs

(1) No person who is licensed to deal in any controlled drug for the purpose of manufacturing an exempted drug shall use any such controlled drug in any such manufacture in contravention of a direction given under subclause (2).

(2) The Director-General may, by notice in writing, served either personally or by registered post on a person licensed as aforesaid, direct that person not to use any such controlled drug in the manufacture of an exempted drug unless—

(a) notice has been given to the Medical Officer of Health specified in the direction, at least 7 days before the date on which it is intended to manufacture the exempted drug, of the time and place of the proposed manufacture; and

(b) the use of such controlled drug in the manufacture is supervised by an officer.

28 Custody of controlled drugs

(1) Subject to subclause (4), and to any conditions that may be imposed under regulation 3 or regulation 19, every person in possession, for the purposes of sale, or in the course of any profession, or in the course of carriage, or for the purposes of use in any ship, aircraft, or motor vehicle, of a controlled drug that is not required for immediate use shall—

(a) keep it in a locked cupboard, or a locked compartment, that is constructed of metal or concrete or both, and that, in the case of any cupboard or compartment installed in a building after the commencement of these regulations, is of an approved type; and

(b) ensure that the cupboard or compartment is securely fixed to, or is part of, the building, ship, aircraft, or vehicle within which the controlled drug is kept for the time being; and

(c) ensure that the key of the cupboard or compartment is kept in a safe place when not being used. Where the building, ship, aircraft, or vehicle within which the controlled drug is kept for the time being is left unat-

tended, that safe place shall not be within that building, ship, aircraft, or vehicle:

provided that this paragraph shall not apply if the cupboard or compartment is fitted with a combination lock and is of an approved type.

(2) In paragraph (a) and paragraph (c) of subclause (1) **approved type** means a type that, at the date of installation, has, for the time being been approved by the Medical Officer of Health after consultation with such constable as may be charged at that date with the function of advising the Medical Officer of Health for the purposes of that paragraph.

(3) Subject to subclause (4), no person in possession, in circumstances to which subclause (1) applies, of a controlled drug that is kept for the time being within any building, ship, aircraft, or vehicle, shall leave that building, ship, aircraft, or vehicle unattended, unless he or she has taken all reasonable steps to secure that building, ship, aircraft, or vehicle, and the part of it in which the controlled drug is kept, against unlawful entry.

(4) Nothing in this regulation shall apply with respect to—

(a) an exempted drug:

(b) any of the following preparations, namely:

codeine phosphate syrup:

codeine phosphate linctus:

pholcodine linctus:

pholcodine linctus, strong:

(c) *[Revoked]*

(d) any controlled drug for the time being named or described in Part 5 of Schedule 3 of the Act:

(e) a preparation of pseudoephedrine as described in paragraph (b) of the definition of partially exempted drug:

(f) a CBD product.

(4A) This regulation does not apply in respect of the possession of a product by a person who holds a licence to operate a pharmacy under the Medicines Act 1981 if the product—

(a) contains cannabidiol; and

(b) contains no more than 27 milligrams of tetrahydrocannabinol per millilitre of the product; and

(c) has consent for distribution under the Medicines Act 1981; and

(d) requires refrigeration to ensure its efficacy.

(5) For the purposes of subclauses (1) and (3), **building** includes a room in a building:

provided that a room shall be deemed to be attended—

(a) in the case of a room forming part of a dwelling (being residential accommodation occupied by 1 person living alone, or by 2 or more persons living together but independently of other persons, if any, residing in or using other rooms in the same building) so long as a person who lives in that dwelling is within that dwelling or on adjacent land occupied or used in connection therewith; or

(b) in any other case, so long as a person who works in or otherwise uses that room is within another room communicating therewith; or

(c) in any case, if the room, and any room communicating therewith, is not vacated for a longer period than 10 minutes at any one time by all persons working in or otherwise using the room.

(6) *[Revoked]*

Regulation 28(1)(c) proviso: inserted, on 3 January 1980, by regulation 4(1) of the Misuse of Drugs Regulations 1977, Amendment No 3 (SR 1979/274).

Regulation 28(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Regulation 28(2): amended, on 3 January 1980, by regulation 4(2) of the Misuse of Drugs Regulations 1977, Amendment No 3 (SR 1979/274).

Regulation 28(4): replaced, on 1 June 1977, by regulation 3(1) of the Misuse of Drugs Regulations 1977, Amendment No 1 (SR 1977/135).

Regulation 28(4)(c): revoked, on 11 October 2001, by regulation 11 of the Misuse of Drugs Amendment Regulations 2001 (SR 2001/231).

Regulation 28(4)(d): inserted, on 19 May 1978, by regulation 3(1) of the Misuse of Drugs Regulations 1977, Amendment No 2 (SR 1978/142).

Regulation 28(4)(e): inserted, on 15 October 2004, by regulation 7 of the Misuse of Drugs (Ephedrine and Pseudoephedrine) Amendment Regulations 2004 (SR 2004/315).

Regulation 28(4)(f): inserted, on 7 September 2017, by regulation 7(1) of the Misuse of Drugs Amendment Regulations 2017 (LI 2017/198).

Regulation 28(4A): inserted, on 7 September 2017, by regulation 7(2) of the Misuse of Drugs Amendment Regulations 2017 (LI 2017/198).

Regulation 28(6): revoked, on 19 May 1978, by regulation 3(2) of the Misuse of Drugs Regulations 1977, Amendment No 2 (SR 1978/142).

Part 5
Prescriptions for controlled drugs

29 General requirements in relation to prescriptions

(1) A prescription for the supply of a controlled drug that is intended for human use and that is a Class A controlled drug, a Class B controlled drug, or a specified Class C controlled drug must be—

(a) on a paper form provided by the Director-General and completed in the handwriting of the controlled drug prescriber; or

(b) on a paper form that is electronically generated by the controlled drug prescriber from an approved system.

(1A) However, subclause (1) does not apply in respect of a prescription for the supply of a CBD product.

(2) Notwithstanding subclause (1), a prescription for the supply of methadone given by a medical practitioner working in a place for the time being specified by the Minister under section 24(7)(b) of the Act may also be in any paper form approved by the Director-General.

(3) Every prescription for the supply of a Class C controlled drug, not being a specified Class C controlled drug, must be on paper and in handwriting, in print, or both.

(4) Every prescription for a controlled drug must—

(a) be signed physically by the controlled drug prescriber in his or her own handwriting; and

(b) be legible and indelible; and

(c) be dated with the date on which it was signed; and

(d) set out, or be stamped with, the address of the controlled drug prescriber; and

(e) set out the surname, initials of the first names, and address of—

(i) the person to whom the controlled drug is intended to be administered; or

(ii) the person who has custody of the animal to which the controlled drug is intended to be administered; and

(f) if it is for a person who is under the age of 12 years, set out in words the age in years and months of that person; and

(g) bear the words "for dental treatment only", if given by a dentist; and

(h) bear the words "for midwifery use only", if given by a midwife; and

(i) bear the words "for animal treatment only", if given by a veterinarian; and

(j) set out the name of the controlled drug to be supplied; and

(k) not be in cipher, or abbreviated, otherwise than by abbreviations recognised in the British Pharmacopoeia, the British Pharmaceutical Codex, or other standard reference books on materia medica or pharmacy; and

(l) indicate the total amount of the controlled drug that may be sold or dispensed on the 1 occasion, or on each of the several occasions, authorised by that prescription; and

(m) set out the dose and frequency of the dose, or, in the case of a controlled drug for external use, directions for use; and

(n) where it prescribes an unusual dose, or what may be regarded as a dangerous dose, of any controlled drug, have the amount of the dose emphasised by being underlined, with the initials of the controlled drug prescriber set out in the margin opposite.

(5) In this regulation,—

approved system means a system approved by the Director-General by notice in the *Gazette*

specified Class C controlled drug—

(a) means—

(i) a drug that is amobarbital, amobarbital sodium, buprenorphine, butobarbitone, glutethimide, ketamine, secobarbital, or secobarbital sodium; or

(ii) a combination of 2 or more of the substances specified in subparagraph (i); but

(b) does not include any substance referred to in paragraph (a)(i), or any combination of substances referred to in paragraph (a)(ii), if that substance or combination of substances is combined with any other pharmacologically active substance or substances that are not listed in clause 1 of Part 4 of Schedule 3 of the Act.

(6) This regulation does not apply—

(a) to a prescription for a controlled drug communicated under regulation 34(1); or

(b) in respect of an exempted drug or partially exempted drug.

Regulation 29: replaced, on 1 July 2014, by regulation 9 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 29(1A): inserted, on 7 September 2017, by regulation 8 of the Misuse of Drugs Amendment Regulations 2017 (LI 2017/198).

30 Exemption for certain prescriptions

(1) This regulation applies if there is imposed on a licence a condition prohibiting the acquisition of controlled drugs otherwise than pursuant to the prescription of—

(a) a controlled drug prescriber; or

(b) a named controlled drug prescriber; or

(c) a controlled drug prescriber belonging to a particular class of controlled drug prescribers.

(2) The following regulations do not apply to the extent that they are inconsistent with the terms of the licence in respect of anything done for the purpose of enabling compliance with the condition imposed on the licence:

(a) regulation 21(2) to (5C):

(b) regulation 29(4)(e), (f), (g), (h), (i), (m), and (n).

Regulation 30: replaced, on 1 July 2014, by regulation 10 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

31 Restrictions on supply on prescription

(1) A person may not supply a controlled drug on a prescription—

(a) more than once on that same prescription; or

(b) more than 7 days after the date of the prescription, in the case of a Class A controlled drug or a Class B controlled drug; or

(c) more than 6 months after the date of the prescription, in the case of a Class C controlled drug; or

(d) in a quantity that, having regard to the dose and frequency of dose or the directions given by the controlled drug prescriber, is greater than a quantity sufficient for use for a period of 1 month.

(2) Subclause (1) is subject to regulation 31A.

(3) A person may not supply a controlled drug on an oral prescription more than once before receiving the written confirmation of that prescription under regulation 34(4).

(4) On the first occasion of dispensing a prescription or, in the case of an oral prescription, on receipt of the written confirmation of that prescription, there must be written or stamped on the face of the prescription, above the signature of the controlled drug prescriber, in such manner and place that no part of the prescription is obliterated,—

(a) the name of the proprietor of the business at which the prescription is dispensed; and

(b) the address of the premises from which the prescription is dispensed; and

(c) the date on which the prescription is dispensed.

(5) On every subsequent occasion of dispensing a prescription, there must be written or stamped on the face or back of the prescription, in such manner and place that no part of the prescription is obliterated,—

(a) the name of the proprietor of the business at which the prescription is dispensed; and

(b) the address of the premises from which the prescription is dispensed; and

(c) the date on which the prescription, or any indicated part or portion of the prescription, is dispensed.

(6) In this regulation, **oral prescription** means a prescription communicated under regulation 34(1).

Regulation 31: replaced, on 1 July 2014, by regulation 11 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

31A Exceptions to restrictions in regulation 31(1)

(1) A medical practitioner or nurse practitioner who signs a prescription for a Class A controlled drug or a Class B controlled drug may direct on the prescription that the drug be supplied on 2 occasions at a specified interval, with—

(a) the first occasion being not more than 7 days after the date of prescription; and

(b) the second occasion being not more than 7 days after the termination of that interval.

(2) In the case of a controlled drug supplied pursuant to a direction under subclause (1), the total quantity supplied, having regard to the dose and frequency of dose or the directions of the medical practitioner or nurse practitioner, must not be greater than a quantity sufficient for use for a period of 1 month or, in the case of a CBD product, 3 months.

(3) A medical practitioner or nurse practitioner who signs a prescription for a Class C controlled drug may direct on the prescription that the drug be supplied on not more than 3 occasions, which, unless specified otherwise, are to be at monthly intervals.

(4) In the case of a controlled drug supplied pursuant to a direction under subclause (3), the total quantity supplied, having regard to the dose and frequency of dose or the directions of the medical practitioner or nurse practitioner, must not be greater than a quantity sufficient for use for a period of 3 months.

(5) A midwife who signs a prescription for a controlled drug specified in Schedule 1C may direct on the prescription that the drug be supplied on 2 occasions at a specified interval, with—

(a) the first occasion being not more than 4 days after the date of the prescription; and

(b) the second occasion being not more than 4 days after the termination of that interval.

(6) In the case of a controlled drug supplied pursuant to a direction under subclause (5), the total quantity supplied, having regard to the dose and frequency of dose or the directions of the midwife, must not be greater than a quantity sufficient for use for a period of 1 month.

(7) If, for special reasons relating to the protection of the patient, or for the purpose of limiting the quantity of any controlled drug in the possession of any person, the controlled drug prescriber (not being a dentist or veterinarian) who signs a prescription directs on the prescription that the controlled drug is to be dispensed daily or at such other regular intervals as the controlled drug prescriber considers necessary for a specified period not exceeding 1 month, the con-

trolled drug may be supplied on not more than the number of occasions indicated, and not more frequently than the intervals directed.

(8) If a Medical Officer of Health has issued to a person a notice under section 25 of the Act that authorises him or her to supply a controlled drug for a restricted person on more than 2 occasions on any prescription, that person may supply the controlled drug in such quantity, at such frequency, and for such period as the notice specifies.

Regulation 31A: inserted, on 1 July 2014, by regulation 11 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 31A(2): amended, on 7 September 2017, by regulation 9 of the Misuse of Drugs Amendment Regulations 2017 (LI 2017/198).

32 Verification of prescriptions

(1) No person may supply a controlled drug pursuant to a prescription purporting to be signed by a controlled drug prescriber, with whose signature the person is not acquainted, until the person has satisfied himself or herself that the signature is genuine.

(2) No person may—

(a) alter any prescription appearing to be signed by a controlled drug prescriber that purports to authorise the supply of any controlled drug; or

(b) alter any prescription in such a manner that it purports to authorise the supply of any controlled drug.

(3) However, subclause (2) does not apply to a controlled drug prescriber who, after signing a prescription, alters that prescription in his or her own handwriting and then signs the prescription again beside the alteration.

(4) A person authorised to deal in controlled drugs must keep a prescription purporting to authorise the supply of a controlled drug and notify immediately the officer in charge of the nearest Police station or the Medical Officer of Health if the person believes on reasonable grounds—

(a) that any signature purporting to be that of a controlled drug prescriber, and appearing on the prescription, is not genuine; or

(b) that the prescription has been altered by an unauthorised person.

Regulation 32: replaced, on 11 October 2001, by regulation 15 of the Misuse of Drugs Amendment Regulations 2001 (SR 2001/231).

Regulation 32(1): amended, on 1 July 2014, by regulation 12(1) of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 32(2)(a): amended, on 1 July 2014, by regulation 12(2) of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 32(3): replaced, on 1 July 2014, by regulation 12(3) of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 32(4)(a): amended, on 1 July 2014, by regulation 12(1) of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

33 Retention of prescriptions

(1) No person shall supply any controlled drug (other than a Class C controlled drug) pursuant to any written prescription except on condition that the prescription is retained by him or her.

(2) Every person so supplying any such controlled drug shall retain the prescription for a period of 4 years from the date on which the controlled drug is supplied, or, if the controlled drug is supplied pursuant to the same prescription on more than 1 occasion, from the last of the dates on which it is so supplied. All such prescriptions shall be retained on the premises in an orderly and consecutive manner, and shall at all times be available to any constable or any officer, who may inspect them and make copies thereof:

provided that, if the proprietor of the business from which the controlled drug was supplied vacates those premises, the prescriptions shall be stored at such place as is approved in writing by the Medical Officer of Health for the purpose.

Section 33(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

34 Emergencies

(1) In the case of an emergency, a prescriber may communicate orally or by telephone a prescription for a controlled drug to a pharmacist who personally knows the prescriber (an **oral prescription**).

(2) A pharmacist may supply a controlled drug to any person on an oral prescription.

(3) Immediately after communicating an oral prescription, a prescriber must—

(a) prepare a prescription in accordance with the requirements of regulation 29 confirming the oral prescription; and

(b) endorse the prescription with—

(i) a statement to the effect that the prescription is intended only as confirmation of the oral prescription; and

(ii) the date of the oral prescription.

(4) Not later than 2 business days after the date of the oral prescription, the prescriber must deliver the prescription to the pharmacist to whom the oral prescription was communicated.

(5) After delivery of the prescription in accordance with subclause (4), the prescription and the pharmacist are subject to all provisions in these regulations relating to prescriptions for the supply of controlled drugs and to the duties of persons in respect of such prescriptions.

(6) In this regulation, **prescriber** means any of the following persons:

(a) a medical practitioner:

(b) a nurse practitioner:

(c) a midwife:

(d) a designated prescriber nurse:

(e) a designated prescriber pharmacist.

Regulation 34: replaced, on 1 July 2014, by regulation 13 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

35 Duty to supply information

(1) Every controlled drug prescriber must answer in writing, to the best of his or her knowledge and belief, any questions addressed to him or her by the Medical Officer of Health with respect to his or her prescribing, administering, or supplying controlled drugs and in respect of the identification of the person for whom they were prescribed or to whom they were administered or supplied.

(2) Every person who supplies a controlled drug (not being a Class C controlled drug) on the prescription of a controlled drug prescriber must ensure that the Medical Officer of Health is advised, within 1 month after the date of the supply, of—

(a) the name and address of the person for whom the controlled drug is supplied:

(b) the name and address of the controlled drug prescriber:

(c) the date of the prescription:

(d) the name or description of the controlled drug supplied:

(e) the amount of the controlled drug supplied on the occasion or on each of the occasions of supply:

(f) each date on which the controlled drug is supplied.

(3) It shall be sufficient compliance with the requirements of subclause (2) if the person supplying the controlled drug provides the Medical Officer of Health, within 1 month after the date of the supply or, if the prescription authorises the supply of a controlled drug on more occasions than 1, the date of the first supply, with a copy of the prescription to which the supply relates.

(4) In this regulation, **prescription** includes any written authority, order, or request for the supply of controlled drugs signed by a controlled drug prescriber, not being an authority, order, or request relating to a disposal by wholesale within the meaning of regulation 47; and **prescribing** has a corresponding meaning:

provided that subclause (2)(a) shall not apply to any such authority, order, or request not having reference to a particular patient.

Regulation 35(1): amended, on 1 July 2014, by regulation 14(1) of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 35(1): amended, on 7 September 1990, by regulation 8(b) of the Misuse of Drugs Regulations 1977, Amendment No 9 (SR 1990/222).

Regulation 35(2): replaced, on 1 July 1993, by regulation 8(1) of the Misuse of Drugs Regulations 1977, Amendment No 10 (SR 1993/157).

Regulation 35(2): amended, on 1 July 2014, by regulation 14(2) of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 35(2)(b): replaced, on 1 July 2014, by regulation 14(3) of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 35(4): amended, on 1 July 2014, by regulation 14(4)(a) of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 35(4): amended, on 1 July 2014, by regulation 14(4)(b) of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 35(4): amended, on 1 July 1993, by regulation 8(2) of the Misuse of Drugs Regulations 1977, Amendment No 10 (SR 1993/157).

36 Special provisions for hospitals

(1) Where a controlled drug is required for the treatment of a patient for the time being maintained in a hospital or other institution, the medical practitioner, nurse practitioner, midwife, designated prescriber nurse, or designated prescriber pharmacist attending the patient may, instead of writing a prescription, enter on the patient's chart, or other clinical record appertaining to the patient, the particulars required by regulation 29(4)(c), (j), and (m), in the manner required and subject to the limitations imposed by paragraphs (a), (b), (k), and (n) of that subclause, and such entry shall have the same effect as a prescription.

(2) In the case of a maternity hospital, the medical superintendent, if any, may generally, and any medical practitioner, nurse practitioner, midwife, designated prescriber nurse, or designated prescriber pharmacist attending a patient may in relation to any patient or patients attended by him or her, by an instruction in writing recorded in a book set aside for the purpose containing the same particulars and written in the like manner as are required in the case of an entry under subclause (1), authorise the administration, in the absence of complications requiring the presence of a medical practitioner or midwife, of a controlled drug (being a controlled drug that, if there is no medical superintendent of the hospital, the manager of the hospital is authorised to possess) to a maternity patient between the commencement and the termination of labour.

(3) Every instruction given under subclause (2) shall cease to have effect on the expiration of 6 months from the date on which it is given or renewed, as the case may require.

Regulation 36(1): amended, on 1 July 2014, by regulation 15 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 36(1): amended, on 11 October 2001, by regulation 18(1) of the Misuse of Drugs Amendment Regulations 2001 (SR 2001/231).

Regulation 36(2): amended, on 1 July 2014, by regulation 15 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

Regulation 36(2): amended, on 18 September 2004, by section 175(3) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Regulation 36(2): amended, on 11 October 2001, by regulation 18(2) of the Misuse of Drugs Amendment Regulations 2001 (SR 2001/231).

Regulation 36(2): amended, on 7 September 1990, by regulation 9(a) of the Misuse of Drugs Regulations 1977, Amendment No 9 (SR 1990/222).

Regulation 36(2): amended, on 7 September 1990, by regulation 9(b) of the Misuse of Drugs Regulations 1977, Amendment No 9 (SR 1990/222).

Part 6
Registers, records, and returns

37 Pharmacists and dispensing practitioners

(1) This regulation shall apply to every person authorised by or under these regulations to deal in controlled drugs who is—

(a) a pharmacist; or

(b) a practitioner who dispenses his or her own medicines but does not deal in any controlled drug except by supply or administration to patients or animals under his or her care and by the compounding and dispensing of prescriptions containing controlled drugs; or

(c) a person who is licensed to supply controlled drugs on prescription.

(2) Subject to these regulations, every person to whom this regulation applies shall keep—

(a) a Controlled Drugs Register consisting of a bound volume of consecutively numbered pages in form 1 of Schedule 1, in which each page shall have entries relating only to 1 form of 1 controlled drug:

(b) a Prescription Book described in subclause (3).

(3) The Prescription Book shall be a bound volume in which shall be entered a separate record of every prescription dispensed (including any repeated prescription) that contains any portion of a controlled drug showing—

(a) the surname, initials of the first names, and address of the person for whose use the controlled drug is intended:

(b) the surname, initials of the first names, and address of the person prescribing the controlled drug:

(c) the proportion and total amount of the controlled drug so dispensed:

(d) the date on which the controlled drug was delivered to the person for whose use it was dispensed or to some other authorised person on his or her behalf.

(4) In the case of every pharmacy, the Controlled Drugs Register and the Prescription Book kept under subclause (2) shall be retained continuously, subject to regulation 42, on the premises as a permanent record of the business carried on there.

Regulation 37(4): amended, on 18 September 2004, by section 175(3) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

38 Other dealers

Every person who is licensed to deal in or to possess controlled drugs shall keep, in any premises at which he or she is licensed to deal in or possess controlled drugs, a Controlled Drugs Register in form 1 of Schedule 1 in the manner required by regulation 37(2)(a).

39 Form of records

(1) Notwithstanding anything in subclause (2) or subclause (3) of regulation 37 or in regulation 38, the Director-General may, either generally or specially, by notice in the *Gazette* or by notice in writing to the person to whom it applies, approve the use of such loose-leaf or other systems of recording as may be specified in the notice instead of the form of register or book prescribed by those provisions.

(2) The Director-General may at any time withdraw any such approval by notice given in the same manner as the notice of approval.

40 Entries in Controlled Drugs Register and Prescription Book

(1) Every person who is required under this Part to maintain a Controlled Drugs Register or a Prescription Book shall enter therein, legibly and indelibly, the particulars indicated in form 1 of Schedule 1 or in regulation 37(3), as the case may require, in relation to all controlled drugs dealt in, possessed, or dispensed by him or her; and the appropriate entries relating to any matter shall be made therein not later than the ordinary business day next following the day on which that matter arose.

(2) No person shall make or cause or permit to be made in any Controlled Drugs Register or Prescription Book any entry that is untrue in any particular, unless it is forthwith corrected as hereinafter provided, or obliterate, or cancel, or alter, or cause or permit to be obliterated, or cancelled, or altered, any entry made in any such register or book.

(3) Every person who is required under this Part to maintain a Controlled Drugs Register or a Prescription Book shall initial every entry made therein.

(4) Any mistake in any entry may be corrected by a marginal note or footnote giving the correct particulars and containing, as part of the note, the date on which the note is written.

41 Exemption of practitioners

(1) Notwithstanding anything in regulation 37, that regulation shall not bind any practitioner until he or she is notified by the Director-General in writing that that regulation shall apply in his or her case.

(2) The Director-General may at any time withdraw any notification under subclause (1) and thereupon the said regulation 37 shall cease to bind that practitioner.

42 Retention of records

(1) Subject to the provisions of this Part, every person who is required to maintain a Controlled Drugs Register or a Prescription Book shall keep that register or book in a neat and orderly manner in some place of security at the premises at which he or she is for the time being authorised to deal in or possess controlled drugs or at such other place as may be approved from time to time by the Director-General, and shall so keep every such register or book for a period of 4 years following the date of the last entry made therein:

provided that if he or she ceases to be so authorised he or she shall deliver every such register and book to, or deposit them at a place approved by, the Director-General for custody, or, after the expiration of the said period of 4 years, for destruction.

(2) Every person who is required to maintain a Controlled Drugs Register or Prescription Book shall at all times permit any constable or any officer to inspect that register or book and to make copies of any entries appearing therein.

Regulation 42(1): amended, on 19 May 1978, by regulation 4 of the Misuse of Drugs Regulations 1977, Amendment No 2 (SR 1978/142).

Regulation 42(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

43 Stocktaking

(1) Every person who is required to maintain a Controlled Drugs Register under this Part shall—

(a) as at the close of business on 30 June and 31 December in every year; and

(b) as at the date on which he or she transfers the stock in his or her possession at the place where he or she carries on his or her profession, calling, or business to any other person,—

record the actual stock of all controlled drugs in his or her possession at that date, and prepare a quantity stock account covering the period since the previous stocktaking, and enter in the stock account a proper explanation of any variation between the calculated balance and the actual stock.

(2) The stock record, quantity stock account, and explanation of variations shall be entered on the page of the Controlled Drug Register appropriate to the controlled drug or form of controlled drug to which the information refers, and shall be completed within 14 days after the date as at which stock is taken.

(3) Where any person transfers his or her stock to another person the record of stock shall, as far as is practicable, be verified by the signatures of both such persons.

(4) An arrangement whereby a person who is authorised by or under these regulations to deal in a controlled drug carries on a practice or business on behalf of another person who is so authorised and who is temporarily absent therefrom,

shall not constitute a transfer of stock within the meaning of this regulation, but in any such case the first-mentioned person shall, for the purposes of these regulations, be deemed to be the servant of the last-mentioned person in respect of that practice or business during the currency of that arrangement.

44 Hospital records

(1) Every manager or other person in charge of a hospital within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992 or the Hospitals Act 1957 or of an institution, in which a pharmacist is employed, shall ensure that records are kept at that hospital or institution in accordance with this regulation and regulations 45 and 46.

(2) Without limiting subclause (1), every chief pharmacist, or, if there is no chief pharmacist, such person on whom a duty is imposed by that subclause as the case may require, shall—

(a) keep a separate Main Controlled Drugs Register in form 1 of Schedule 1 in respect of each store and dispensary of the hospital or other institution; and

(b) ensure that there is kept, in the like form, a Ward Book in respect of each ward of the hospital or other institution.

(3) In this regulation, and in regulation 45, **chief pharmacist** means a pharmacist employed in a hospital or other institution as a chief pharmacist or as a pharmacist in charge of a dispensary or in a similar capacity.

Regulation 44(1): replaced, on 1 July 1993, by regulation 9 of the Misuse of Drugs Regulations 1977, Amendment No 10 (SR 1993/157).

45 Ward Books

Every person upon whom the duty of ensuring that a Ward Book is kept is imposed by regulation 44(2) shall ensure that entries are made therein in accordance with the following requirements:

(a) entries recording disposal shall be made immediately following the administration of the controlled drug:

(b) each Ward Book shall be kept posted by the charge nurse or person in charge of the ward; and the manager or other person in charge of the hospital or institution shall supervise the duties of that charge nurse or person in relation thereto:

(c) the Ward Book shall at all times show entries of receipts corresponding to entries of disposals in the appropriate Main Controlled Drugs Register; the said entries shall be made, at the time of the issue and receipt of the controlled drug, first in the Main Controlled Drugs Register (if any) and immediately afterwards in the Ward Book; the entries in both cases shall be signed by both the person receiving and the person issuing the controlled drug; and those persons shall be persons expressly authorised

in that behalf by the manager or chief pharmacist or other person in charge, as the case may require:

(d) once in every week the Ward Book shall be checked, and compared with any balance of the controlled drug on hand, jointly by the person in charge of the ward and the principal nurse, or the manager or other person in charge, or the chief pharmacist, as the case may be, and the principal nurse, manager, other person, or chief pharmacist shall indicate by signing their names and entering the date, that the checking has been so done.

Regulation 45: replaced, on 1 July 1993, by regulation 10 of the Misuse of Drugs Regulations 1977, Amendment No 10 (SR 1993/157).

46 Application of other regulations to hospital records

Regulations 38, 39, 40, 42, 43, and 47 shall apply with any necessary modifications to the persons and records to whom or which regulations 44 and 45 apply:

provided that regulation 47 shall apply only in respect of controlled drugs disposed of from the store or dispensary of the hospital or other institution to a person outside that hospital or other institution.

47 Returns of wholesale transactions

(1) In this regulation **disposal by wholesale** means—

(a) export or supply by a person licensed under these regulations to deal in controlled drugs:

(b) supply to any person (other than a practitioner) who is authorised to use in manufacture, supply, or export controlled drugs or is licensed under regulation 9(1)(a), or is authorised by any of regulations 17 to 19, to possess controlled drugs.

(2) Every person who is authorised to supply controlled drugs shall, immediately upon the disposal by wholesale of any controlled drug, and in addition to any entry required by these regulations to be made in a register, enter in 2 documents, each being in form 2 of Schedule 1 or in such other form as may be approved from time to time by the Director-General, the particulars relating to that disposal indicated in that form, and shall, within 7 days after the end of each month, forward one of those documents, verified by his or her signature or the signature of his or her employee, to the Medical Officer of Health:

provided that—

(a) where such disposal by wholesale is not a regular part of the business of that person, the information, instead of being recorded and furnished in the said form, may be recorded and furnished to the Medical Officer of Health in writing:

(b) where the controlled drug is supplied with the intention that it shall be replaced within 15 days after the original transaction, it shall not be

necessary for information of the transaction to be recorded in the said form, or furnished to the Medical Officer of Health, unless, on the expiration of the said period of 15 days, the said controlled drug has not been replaced by or on behalf of the person to whom it was supplied.

Regulation 47(1)(b): amended, on 19 May 1978, by regulation 5(1) of the Misuse of Drugs Regulations 1977, Amendment No 2 (SR 1978/142).

Regulation 47(2): amended, on 10 March 1983, by regulation 3(2) of the Misuse of Drugs Regulations 1977, Amendment No 6 (SR 1983/19).

Regulation 47(2): amended, on 19 May 1978, by regulation 5(2) of the Misuse of Drugs Regulations 1977, Amendment No 2 (SR 1978/142).

48 Exemptions from Part 6

(1) Nothing in this Part shall apply in relation to the acquisition, possession, supply, or administration of any Class C controlled drug by a person to whom any of paragraphs (a), (b), and (f) of subsection (2) of section 8 of the Act applies.

(2) Nothing in this Part shall apply in respect of any exempted drug, or any controlled drug for the time being named or described in any of Parts 2 to 5 of Schedule 3 of the Act.

(3) Nothing in this Part applies in respect of a CBD product.

Regulation 48(2): replaced, on 3 January 1980, by regulation 5(1) of the Misuse of Drugs Regulations 1977, Amendment No 3 (SR 1979/274).

Regulation 48(3): inserted, on 7 September 2017, by regulation 10 of the Misuse of Drugs Amendment Regulations 2017 (LI 2017/198).

Part 7
Miscellaneous provisions

49 Notification of import and export of certain controlled drugs

[Revoked]

Regulation 49: revoked, on 11 October 2001, by regulation 19 of the Misuse of Drugs Amendment Regulations 2001 (SR 2001/231).

49A Notification of stock

Every person who is licensed under these regulations to deal in any controlled drug for the time being named or described in Schedule 1 or Schedule 2 or Part 2 of Schedule 3 of the Act, or in any partially exempted drug shall, before 31 January in each year, notify the Medical Officer of Health of the amount of each such controlled drug held in stock by that person at 31 December of the preceding year, and the total amount of any such controlled drug used, during that preceding year, in the manufacture of an exempted drug.

Regulation 49A: inserted, on 22 September 1983, by regulation 3 of the Misuse of Drugs Regulations 1977, Amendment No 7 (SR 1983/174).

Regulation 49A: amended, on 15 October 2004, by regulation 8 of the Misuse of Drugs (Ephedrine and Pseudoephedrine) Amendment Regulations 2004 (SR 2004/315).

50 Restrictions on advertising

(1) Subject to subclauses (2) and (4), no person shall publish, or cause or permit to be published, any advertisement.

(2) Nothing in subclause (1) shall apply to any advertisement that is distributed only to practitioners or pharmacists, or that is contained in a publication that, in the ordinary course, circulates solely or mainly, or is distributed solely or mainly, to practitioners or pharmacists, and that—

(a) states the true name and address of the place of business of the person by whom or at whose request the advertisement is published; and

(b) contains a conspicuous statement sufficient to indicate that the advertisement relates to a controlled drug, or, if the advertisement is comprised in a price list or similar publication, contains the abbreviation "CD".

(3) Every person who contravenes subclause (1) commits an offence against these regulations.

(4) Nothing in this regulation shall apply in respect of any exempted drug or any partially exempted drug.

51 Communications through Medical Officer of Health

Except in the case of an application for a licence to import a controlled drug or for a licence to export a controlled drug or of a communication relating to any such application, every application, return, and other communication, required or intended to be made or delivered to the Director-General by any person under these regulations, shall be made through the Medical Officer of Health in charge of the health district in which are situated the premises to which the communication relates, or, if there are no such premises, in which the controlled drug to which the communication relates for the time being is or, at the material time, was or will be.

Regulation 51: amended, on 1 July 1993, by regulation 11 of the Misuse of Drugs Regulations 1977, Amendment No 10 (SR 1993/157).

Regulation 51: amended, on 22 September 1983, by regulation 4 of the Misuse of Drugs Regulations 1977, Amendment No 7 (SR 1983/174).

52 Penalty

Every person who commits an offence against these regulations shall be liable to a fine not exceeding $500, and, where the offence is a continuing one, to a further fine not exceeding $20 for every day or part of a day during which the offence has continued.

53 Transitional

(1) Without limiting any provision of the Acts Interpretation Act 1924,—

(a) in relation to any controlled drug that, immediately before the commencement of the Act, was a narcotic within the meaning of the Narcotics Act 1965, every subsisting licence granted under the Narcotics Regu-

lations 1966 (SR 1966/82) shall be deemed to be a licence granted under these regulations, and shall continue, subject to the provisions of these regulations, to have the same force and effect as it would have continued to have if the Act had not been enacted:

(b) every subsisting licence to cultivate a prohibited plant granted under the Narcotics Regulations 1966 (SR 1966/82) shall be deemed to be a licence granted under these regulations, and shall continue, subject to the provisions of these regulations, to have the same force and effect as it would have continued to have if the Act had not been enacted:

(c) in relation to any controlled drug that, immediately before the commencement of the Act, was a poison within the meaning of the Poisons Act 1960, every subsisting licence granted under the Poison Licences Regulations 1961 (SR 1961/39) shall be deemed to be a licence granted under these regulations, and shall continue, subject to the provisions of these regulations, to have the same force and effect (except to the extent, if any, that it permits the hawking of poisons) as it would have continued to have if the Act had not been enacted.

(2) Notwithstanding anything in subclause (1), any licence to which that subclause applies may be surrendered by the licensee, by writing addressed to the Director-General, at any time, whereupon that licence shall cease to have effect.

(3) Notwithstanding any other provision of these regulations, every licence to which subclause (1) applies shall, unless it is sooner surrendered or revoked under these regulations, continue in force until the date on which it would have expired if the Act had not been enacted, or, if there is no such date, until 1 April 1978.

54 Revocations

The regulations specified in Schedule 2 are hereby revoked.

Schedule 1AA
Licence fees

r 3(4)

Schedule 1AA: inserted, on 21 August 2006, by regulation 7 of the Misuse of Drugs (Fees) Amendment Regulations 2006 (SR 2006/189).

		$
1	Licence to deal in controlled drugs	945
2	Licence to import controlled drugs	190
3	Licence to export controlled drugs	190
4	Licence to possess controlled drugs	945

Schedule 1A
Controlled drugs that designated prescriber nurses may prescribe in certain circumstances

r 12A(1)(a)

Schedule 1A: replaced, on 20 September 2016, by regulation 4 of the Misuse of Drugs Amendment Regulations (No 2) 2016 (LI 2016/185).

Alprazolam

Buprenorphine, transdermal only

Buprenorphine with naloxone, sublingual only

Clonazepam, for anxiety and panic disorder only

Codeine

Diazepam, oral only

Dihydrocodeine

Fentanyl, transdermal only

Lorazepam

Lormetazepam

Methadone, oral only

Morphine

Nitrazepam

Oxazepam

Temazepam

Triazolam

Schedule 1B
Controlled drugs that designated pharmacist prescribers may prescribe

r 12A(1)(b)

Schedule 1B: inserted, on 4 July 2013, by regulation 16 of the Misuse of Drugs Amendment Regulations 2013 (SR 2013/238).

Schedule 1B heading: amended, on 20 September 2016, by regulation 7 of the Misuse of Drugs Amendment Regulations 2016 (LI 2016/139).

A reference in this schedule to a substance is a reference to the substance in every compound, form, mixture, or preparation that is declared to be a controlled drug under the Act.

1 Alprazolam
2 Buprenorphine
3 Clobazam
4 Clonazepam
5 Codeine
6 Diazepam
7 Dihydrocodeine
8 Diphenoxylate
9 Fentanyl
10 Hydromorphone
11 Lorazepam
12 Lormetazepam
13 Methadone
14 Midazolam
15 Morphine
16 Nitrazepam
17 Oxazepam
18 Oxycodone
19 Pethidine
20 Phenobarbital
21 Phentermine
22 Pholcodine
23 Temazepam
24 Tetrahydrocannabinol when a Class B1 controlled drug
25 Triazolam

Schedule 1C
Controlled drugs that midwives may prescribe

r 12A(1)(c)

Schedule 1C: inserted, on 1 July 2014, by regulation 16 of the Misuse of Drugs Amendment Regulations 2014 (LI 2014/199).

A reference in this schedule to a substance is a reference to the substance in every compound, form, mixture, or preparation that is declared to be a controlled drug under the Act.

1 Fentanyl

2 Morphine

3 Pethidine

Schedule 1

Form 1

Controlled Drugs Register/Main Controlled Drugs Register/Ward Book

rr 37(2), 38, 40(1), 44(2)

Name and form of controlled drug (1 kind and 1 strength only to each page).

Date	Name and address of person from whom received; or Name of patient; or Name and address of person supplied; or Form from which or into which made; or Declaration: "Physical stocktaking"	Prescription or order number or time	In	Out	Balance	Name of authority	Issued, dispensed, or administered by	Initials of person making entry or checking balance

Form 2

Return of controlled drugs supplied by wholesaler dealer

r 47(2)

For the month of [*month*] [*year*]

By [*name and address of supplier*]

Page No:

Total number of pages:

Date	To whom supplied	Address	Name and strength of each controlled drug supplied	Form	Quantity	Posting tick	Remarks

The above return, being a correct account of our sales of controlled drugs for the month of [*month*], is forwarded in accordance with regulation 47(2) of the Misuse of Drugs Regulations 1977.

Signature:

Schedule 1 form 2: replaced, on 10 March 1983, by regulation 3(1) of the Misuse of Drugs Regulations 1977, Amendment No 6 (SR 1983/19).

Schedule 2
Regulations revoked

r 54

Narcotics Regulations 1966 (SR 1966/82) (Reprinted with Amendments Nos 1 to 4: SR 1974/253)

Narcotics Regulations 1966, Amendment No 1 (SR 1967/173)

Narcotics Regulations 1966, Amendment No 2 (SR 1968/179)

Narcotics Regulations 1966, Amendment No 3 (SR 1971/123)

Narcotics Regulations 1966, Amendment No 4 (SR 1973/100)

Narcotics Regulations 1966, Amendment No 5 (SR 1976/70)

P G Millen,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 10 March 1977.

Reprints notes

1 General

This is a reprint of the Misuse of Drugs Regulations 1977 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 Legal status

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 Editorial and format changes

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also http://www.pco.parliament.govt.nz/editorial-conventions/.

4 Amendments incorporated in this reprint

Misuse of Drugs Amendment Regulations 2017 (LI 2017/198)

Misuse of Drugs Amendment Regulations (No 2) 2016 (LI 2016/185)

Misuse of Drugs Amendment Regulations 2016 (LI 2016/139)

Misuse of Drugs Amendment Regulations 2014 (LI 2014/199)

Misuse of Drugs Amendment Regulations 2013 (SR 2013/238)

Medicines Amendment Regulations 2011 (SR 2011/245): regulation 30

Policing Act 2008 (2008 No 72): section 116(a)(ii)

Misuse of Drugs (Fees) Amendment Regulations 2006 (SR 2006/189)

Misuse of Drugs Amendment Regulations 2006 (SR 2006/164)

Veterinarians Act 2005 (2005 No 126): section 95

Misuse of Drugs (Ephedrine and Pseudoephedrine) Amendment Regulations 2004 (SR 2004/315)

Health Practitioners Competence Assurance Act 2003 (2003 No 48): section 175(3)

Health and Disability Services (Safety) Act 2001 (2001 No 93): section 58(3)

Misuse of Drugs Amendment Regulations 2001 (SR 2001/231)

Misuse of Drugs Regulations 1977, Amendment No 11 (SR 1995/75)

Misuse of Drugs Regulations 1977, Amendment No 10 (SR 1993/157)

Misuse of Drugs Regulations 1977, Amendment No 9 (SR 1990/222)

Misuse of Drugs Regulations 1977, Amendment No 7 (SR 1983/174)

Misuse of Drugs Regulations 1977, Amendment No 6 (SR 1983/19)

Misuse of Drugs Regulations 1977, Amendment No 3 (SR 1979/274)

Misuse of Drugs Regulations 1977, Amendment No 2 (SR 1978/142)

Misuse of Drugs Regulations 1977, Amendment No 1 (SR 1977/135)

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