Reprint
as at 1 July 2013

Health (Needles and Syringes) Regulations 1998

(SR 1998/254)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 31st day of August 1998

Present:
His Excellency the Governor-General in Council

Pursuant,—

(a) in the case of regulation 10, to section 37 of the Misuse of Drugs Act 1975: and

(b) in the case of the other provisions of these regulations, to section 117 of the Health Act 1956,—

His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Health.

Contents

Regulations

1 Title and commencement

(1) These regulations may be cited as the Health (Needles and Syringes) Regulations 1998.

(2) These regulations come into force on 1 October 1998.

2 Interpretation

In these regulations, unless the context otherwise requires,—

agricultural compound has the same meaning as in section 2(1) of the Agricultural Compounds and Veterinary Medicines Act 1997

animal has the same meaning as in section 2 of the Animals Protection Act 1960

animal research work means any research, experimental, diagnostic, toxicity, or potency testing work involving the manipulation of a live animal, or teaching involving the manipulation of a live animal

approved by the Director-General means approved by the Director-General under and for the purposes of these regulations

approved medical practitioner means a medical practitioner for the time being approved by the Director-General

authorised representative, in relation to an agency, an association, or a body approved by the Director-General, means a person for the time being approved by the Director-General as a representative of that agency, association, or body

code of ethical conduct means a code of ethical conduct under the Animals Protection (Codes of Ethical Conduct) Regulations 1987 (SR 1987/12)

dentist means a health practitioner who is, or is deemed to be, registered with the Dental Council established by section 114(2) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of dentistry

Director-General means the Director-General of Health

manipulation has the same meaning as in section 2 of the Animals Protection Act 1960

medical practitioner means a health practitioner who is, or is deemed to be, registered with the Medical 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 medicine

needle means a needle forming part of, or attached to, or designed for attachment to and use with, a syringe

new, in relation to a needle or syringe, means unused

pharmacist means a health practitioner who is, or is deemed to be, registered with the Pharmacy Council established by section 114(5) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of pharmacy

pharmacy employee means a person employed in a registered pharmacy

public place has the same meaning as in section 2(1) of the Summary Offences Act 1981

registered pharmacy means a pharmacy within the meaning of the Medicines Act 1981

veterinarian means a person for the time being registered as a veterinarian or a specialist under the Veterinarians Act 2005.

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

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

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

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

Regulation 2 **veterinarian**: amended, on 22 December 2005, by section 105 of the Veterinarians Act 2005 (2005 No 126).

Sale of needles and syringes by pharmacists and pharmacy employees

3 Sale of needles and syringes by pharmacists and pharmacy employees

(1) Subject to subclauses (2) and (3), a pharmacist or pharmacy employee may sell a new needle or new syringe, as long as the sale is made—

(a) in accordance with regulation 7; and

(b) from a registered pharmacy; and

(c) to—

(i) a person who is aged 16 years or older; or

(ii) a person under 16 years of age in accordance with a prescription from a medical practitioner authorising the dispensing of a new needle or new syringe to that person.

(2) The Director-General may from time to time prohibit a pharmacist or pharmacy employee from selling new needles and new syringes if—

(a) the pharmacist or pharmacy employee is convicted of an offence against these regulations; or

(b) in the opinion of the Director-General, the pharmacist or pharmacy employee is unsuitable to sell needles and syringes on the grounds that the pharmacist or pharmacy employee has failed to comply with any provision of these regulations.

(3) A pharmacy employee may sell new needles or new syringes from a registered pharmacy only if there is a registered pharmacist practising in that pharmacy who is entitled to sell new needles and new syringes.

(4) The Director-General may from time to time, in the manner specified in regulation 6 for imposing a prohibition, revoke a prohibition imposed under subclause (2).

Sale of needles and syringes by approved medical practitioners

4 Sale of needles and syringes by approved medical practitioners

(1) An approved medical practitioner may sell a new needle or new syringe, in accordance with regulation 7, from any place to any person.

(2) The Director-General may from time to time revoke the approval of a medical practitioner to sell new needles and new syringes if—

(a) the medical practitioner is convicted of an offence against these regulations; or

(b) in the opinion of the Director-General, the medical practitioner is unsuitable to sell needles and syringes on the grounds that the medical practitioner has failed to comply with any provision of these regulations.

Sale of needles and syringes by authorised representatives

5 Sale of needles and syringes by authorised representatives

(1) An authorised representative may sell a new needle or new syringe, as long as the sale is made—

(a) in accordance with regulation 7; and

(b) from any of the places specified in subclause (2); and

(c) to—

(i) a person who is aged 16 years or older; or

(ii) a person under 16 years of age in accordance with a prescription from a medical practitioner authorising the dispensing of a new needle or new syringe to that person.

(2) The places referred to in subclause (1)(b) are as follows:

(a) the usual place of business of the authorised representative:

(b) the usual place of business of the agency, association, or body for whom the authorised representative acts:

(c) any other place or vehicle approved by a Medical Officer of Health for the purpose of this regulation.

(3) The Director-General may from time to time revoke the approval of an authorised representative to sell new needles and new syringes if—

(a) the authorised representative is convicted of an offence against these regulations; or

(b) in the opinion of the Director-General, the authorised representative is unsuitable to sell needles and syringes on the grounds that the authorised representative has failed to comply with any provision of these regulations.

Notification of prohibition or revocation of approval, etc

6 Notification of prohibition or revocation of approval, etc

(1) If, under regulation 3(2), the Director-General prohibits a pharmacist or pharmacy employee from selling new needles and new syringes, the Director-General must, in accordance with subclause (2), send written notice of that prohibition to—

(a) that pharmacist or pharmacy employee; and

(b) if a pharmacy employee is prohibited, the proprietor of the registered pharmacy where the pharmacy employee is employed.

(2) A notice sent under subclause (1) must be sent by registered post addressed to the pharmacist, pharmacy employee, or proprietor, at the registered pharmacy where the person practises or is employed or of which the person is the proprietor, as the case may be.

(3) If, under regulation 4(2), the Director-General revokes the approval of a medical practitioner to sell new needles and new syringes, the Director-General must send written notice to that medical practitioner, by registered post addressed to him or her at his or her usual place of business, that he or she is no longer an approved medical practitioner.

(4) If, under regulation 5(3), the Director-General revokes the approval of an authorised representative to sell new needles and new syringes, the Director-General must send written notice to that person, by registered post addressed to him or her at his or her usual place of business, that he or she is no longer an authorised representative.

(5) A notice sent in accordance with subclause (1) or subclause (3) or subclause (4) is to be treated as having been received on, and takes effect from, the close of the third working day after the day on which the notice is sent.

(6) If a notice is sent in accordance with subclause (1) or subclause (3) or subclause (4), in proving the delivery of that notice,—

(a) it is sufficient to prove that the notice was properly addressed; and

(b) it is presumed, in the absence of proof to the contrary, that the notice was sent on the day on which it was dated.

Further provisions relating to sale of needles and syringes

7 Further provisions relating to sale of needles and syringes

(1) No new needle or new syringe may be sold under regulation 3 or regulation 4 or regulation 5 unless it is—

(a) of a kind approved by the Director-General; and

(b) contained in a container of a kind, and labelled in a manner, approved by the Director-General.

(2) The Director-General may from time to time approve for the purposes of these regulations—

(a) any kind of needle or syringe:

(b) any kind of container, and the labelling of any container, intended to contain a needle or syringe for the purposes of the sale.

(3) *[Revoked]*

Regulation 7(3): revoked, on 1 December 1999, by regulation 2(a) of the Health (Needles and Syringes) Amendment Regulations 1999 (SR 1999/338).

8 Director-General to fix fees and costs

[Revoked]

Regulation 8: revoked, on 1 December 1999, by regulation 2(b) of the Health (Needles and Syringes) Amendment Regulations 1999 (SR 1999/338).

Return of used needles and syringes

9 Return of used needles and syringes

(1) A pharmacist, pharmacy employee, an approved medical practitioner, or an authorised representative who sells a new needle or new syringe under regulation 3 or regulation 4 or regulation 5 must accept for disposal a needle or syringe of a kind approved by the Director-General if it is returned to him or her—

(a) in a container of a kind approved by the Director-General; and

(b) in accordance with any directions printed on the container.

(2) The Medical Officer of Health must arrange for the collection and disposal of all needles and syringes so returned to a

pharmacist, pharmacy employee, an approved medical practitioner, or an authorised representative.

Exemptions from liability under Misuse of Drugs Act 1975 [Revoked]

Heading: revoked, on 22 June 2005, by section 23 of the Misuse of Drugs Amendment Act 2005 (2005 No 81).

10 Exemptions from liability under Misuse of Drugs Act 1975 *[Revoked]*

Regulation 10: revoked, on 22 June 2005, by section 23 of the Misuse of Drugs Amendment Act 2005 (2005 No 81).

Offences

11 Offences relating to use or disposal

(1) Every person commits an offence who—

(a) offers to any other person, for use by that other person, a used needle or used syringe; or

(b) accepts for use a used needle or used syringe; or

(c) disposes of a needle or syringe in a public place.

(2) Subclauses (1)(a) and (1)(b) do not apply to the offer or acceptance of a used needle or used syringe—

(a) for the purpose of administering an agricultural compound to an animal; or

(b) for the purpose of taking any substance from an animal; or

(c) for the purpose of conducting any animal research work in accordance with a code of ethical conduct; or

(d) to or by a veterinarian in the course of practice.

12 Offences relating to sale

(1) Every person commits an offence who, not being a pharmacist, a pharmacy employee, an approved medical practitioner, or an authorised representative, sells or supplies or attempts to sell or supply a needle or syringe to any other person who—

(a) is not a pharmacist, a pharmacy employee, an approved medical practitioner, or an authorised representative; or

(b) is a pharmacist or pharmacy employee who is prohibited under regulation 3(2) from selling new needles and new syringes.

(2) Every person commits an offence who, being a pharmacist or pharmacy employee, sells or supplies or attempts to sell or supply a needle or syringe to any other person otherwise than in accordance with regulation 3.

(3) Every person commits an offence who, being a pharmacist or pharmacy employee who is prohibited under regulation 3(2) from selling new needles and new syringes, sells or supplies or attempts to sell or supply a needle or syringe to any other person.

(4) Every person commits an offence who, being an approved medical practitioner, sells or supplies or attempts to sell or supply a needle or syringe to any other person otherwise than in accordance with regulation 4.

(5) Every person commits an offence who, being an authorised representative, sells or supplies or attempts to sell or supply a needle or syringe to any other person otherwise than in accordance with regulation 5.

(6) Subclause (1) does not apply to the sale or supply of a needle or syringe—

(a) for the purpose of administering an agricultural compound to an animal; or

(b) for the purpose of taking any substance from an animal; or

(c) for the purpose of conducting any animal research work in accordance with a code of ethical conduct; or

(d) to or by a veterinarian in the course of practice.

(7) Subclauses (1), (2), (4), and (5) do not apply to the sale or supply of a needle or syringe—

(a) for a therapeutic purpose specified in section 4 of the Medicines Act 1981; or

(b) to or by a dentist in the course of practice.

13 Offence relating to importation

(1) Every person commits an offence who imports into New Zealand—

(a) a used needle or used syringe; or

(b) a new needle or new syringe other than of a kind approved by the Director-General.

(2) Subclauses (1)(a) and (1)(b) do not apply to the importation of a needle or syringe—

(a) for the purpose of administering an agricultural compound to an animal; or

(b) for the purpose of taking any substance from an animal; or

(c) for the purpose of conducting any animal research work in accordance with a code of ethical conduct; or

(d) to or by a veterinarian in the course of practice.

(3) Subclause (1)(b) does not apply to the importation of a needle or syringe—

(a) for a therapeutic purpose specified in section 4 of the Medicines Act 1981; or

(b) to or by a dentist in the course of practice.

14 Penalty for offences against regulations

Every person who commits an offence against regulation 11 or regulation 12 or regulation 13 is liable on conviction to a fine not exceeding $500.

Regulation 14: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Revocation

15 Revocation

The Health (Needles and Syringes) Regulations 1987 (SR 1987/414) are revoked.

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 3 September 1998.

Contents

Notes

1 General

This is a reprint of the Health (Needles and Syringes) Regulations 1998. The reprint incorporates all the amendments to the regulations as at 1 July 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* http://www.pco.parliament.govt.nz/reprints/.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, *see* http://www.pco.parliament.govt.nz/editorial-conventions/ or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as "of this section" and "of this Act")
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as "the 1st day of January 1999" is now expressed as "1 January 1999")

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 List of amendments incorporated in this reprint (most recent first)

Criminal Procedure Act 2011 (2011 No 81): section 413

Veterinarians Act 2005 (2005 No 126): section 105

Misuse of Drugs Amendment Act 2005 (2005 No 81): section 23

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

Health (Needles and Syringes) Amendment Regulations 1999 (SR 1999/338)

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