



Misuse of Drugs Amendment Regulations 2013

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 4th day of June 2013

Present:

The Right Hon John Key presiding in Council

Pursuant to section 37(1)(g) of the Misuse of Drugs Act 1975, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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	New Schedule 1B inserted	

Regulations

- 1 Title**
These regulations are the Misuse of Drugs Amendment Regulations 2013.
- 2 Commencement**
These regulations come into force on the 28th day after the date of their notification in the *Gazette*.
- 3 Principal regulations**
These regulations amend the Misuse of Drugs Regulations 1977 (the **principal regulations**).
- 4 Regulation 2 amended (Interpretation)**
In regulation 2(1), insert in its appropriate alphabetical order:
“**designated pharmacist prescriber** means a pharmacist who—
“(a) is authorised to prescribe specified prescription medicines by regulations made under the Medicines Act 1981; and
“(b) is acting within the scope of his or her practice”.

- 5 Regulation 4 amended (Dealers' licences)**
In regulation 4(5), after "midwife," insert "designated pharmacist prescriber," in each place.
- 6 New regulation 12C inserted (Authority for designated pharmacist prescribers to prescribe certain controlled drugs)**
After regulation 12B, insert:
"12C Authority for designated pharmacist prescribers to prescribe certain controlled drugs
"(1) A designated pharmacist prescriber is authorised, for the purposes of section 8(2A)(a) of the Act, to prescribe (including to supply and administer) a controlled drug specified in Schedule 1B for the treatment of a patient for a period not exceeding 3 days.
"(2) The authority given by subclause (1) is subject to sections 22 to 25 of the Act and to any prohibitions, limitations, restrictions, or conditions imposed by or under those sections or by regulations made under the Act."
- 7 Regulation 21 amended (Restrictions on application of section 8 of Act, etc)**
After regulation 21(4B), insert:
"(4C) No designated pharmacist prescriber may give a prescription for the supply of a controlled drug otherwise than for the treatment of a patient under his or her care."
- 8 Regulation 25 amended (Labelling of containers)**
In regulation 25(3A), replace "or a designated prescriber nurse or a dentist or a", with ", designated prescriber nurse, designated pharmacist prescriber, dentist, or".
- 9 Regulation 29 amended (Requirements in relation to prescriptions)**
In regulation 29(1)(c)(i), (ii), and (iii), (1)(n), and (2), after "midwife," insert "designated pharmacist prescriber,".

- 10 Regulation 30 amended (Exemption for certain prescriptions)**
In regulation 30, after “midwife,” insert “designated pharmacist prescriber.”
- 11 Regulation 31 amended (Restrictions on supply on prescription)**
In regulation 31(4), after “midwife,” insert “designated pharmacist prescriber.”
- 12 Regulation 32 amended (Verification of prescriptions)**
In regulation 32(1), (2)(a), (3), and (4)(a), after “midwife,” insert “designated pharmacist prescriber,” in each place.
- 13 Regulation 34 amended (Emergencies)**
In regulation 34(1) and (2), after “midwife,” insert “designated pharmacist prescriber,” in each place.
- 14 Regulation 35 amended (Duty to supply information)**
In regulation 35(1), (2), and (4), after “midwife,” insert “designated pharmacist prescriber,” in each place.
- 15 Regulation 36 amended (Special provisions for hospitals)**
In regulation 36(1), after “midwife,” insert “designated pharmacist prescriber,” and in subclause (2), after “any medical practitioner, midwife,” insert “designated pharmacist prescriber.”
- 16 New Schedule 1B inserted**
After Schedule 1A, insert the Schedule 1B set out in the Schedule of these regulations.
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Schedule
New Schedule 1B inserted
Schedule 1B

r 16

r 12C

**Controlled drugs that designated
pharmacist prescribers may prescribe**

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

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations come into force on the 28th day after the date that they are published in the *Gazette*.

They amend the Misuse of Drugs Regulations 1977 to provide for designated pharmacist prescribers to prescribe, supply, and administer the controlled drugs listed in the *new Schedule 1B*. This authorisation aligns the scope of the powers of designated pharmacist prescribers with prescriber pharmacists under the Medicines Act 1981.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 6 June 2013.

These regulations are administered by the Ministry of Health.
