



ANALYSIS

Title
1. Short Title

2. Exemptions in respect of importation
by the Crown

1990, No. 69

An Act to amend the Medicines Act 1981

[1 August 1990]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Medicines Amendment Act 1990, and shall be read together with and deemed part of the Medicines Act 1981 (hereinafter referred to as the principal Act).

2. Exemptions in respect of importation by the Crown—(1) The principal Act is hereby amended by repealing section 32A (as inserted by section 2 of the Medicines Amendment Act 1989), and substituting the following section:

“32A. (1) Notwithstanding anything in this Act, but subject to subsection (2) of this section, the Crown may, in respect of any medicine approved by the Director-General for the purposes of this section,—

“(a) Import the medicine into New Zealand; and

“(b) Sell the medicine, or distribute it by way of gift or loan or sample or in any other way, or advertise it for sale, or advertise the availability of it—

and, subject to subsection (2) of this section, in doing any of those things, it shall not be necessary for the Crown to comply with any of the provisions of this Act.

“(2) Nothing in subsection (1) of this section limits or affects the application to the Crown of sections 20, 44, and 45 of this Act.

“(3) Section 50 (2) of this Act, to the extent that it relates to the payment of a fee on the application for a licence to sell a

medicine by wholesale, applies to the Crown in the same way as it applies to other persons in any case where the Crown would, but for subsection (1) of this section, be required to obtain a licence to sell a medicine imported by the Crown under subsection (1) of this section by wholesale.

“(4) Nothing in section 24 of this Act prevents a person who holds a licence to sell a medicine imported by the Crown under subsection (1) of this section by wholesale from selling the medicine, or supplying it by way of gift or loan or sample or in any other way.

“(5) Nothing in section 24 of this Act prevents—

“(a) A pharmacist employed in a hospital in the course of that pharmacist’s employment as a pharmacist in that hospital, selling a medicine imported by the Crown under subsection (1) of this section or supplying it by way of gift or loan or sample or in any other way:

“(b) Any other pharmacist, in any pharmacy, selling a medicine imported by the Crown under subsection (1) of this section, or supplying it by way of gift or loan or sample or in any other way.

“(6) Nothing in subsection (5) of this section affects a duty or obligation imposed on a pharmacist in relation to the sale, supply, or dispensing of a medicine under the Social Security Act 1964.

“(7) The powers conferred by this section to do anything in respect of a medicine include the power to do likewise in respect of any advertising material, container, label, labelling material, or package (as those terms are defined in section 2 of this Act), or a data sheet or other written or printed material, relating to that medicine.

“(8) In this section the term ‘sell’ includes the matters specified in paragraphs (a) to (c) of the definition of that term in section 2 of this Act.”

(2) The Medicines Amendment Act 1989 is hereby consequentially repealed.