

MEDICINES AMENDMENT BILL (NO. 2)

EXPLANATORY NOTE

THIS Bill amends the Medicines Act 1981.

Clause 1 relates to the Short Title.

Clause 2 allows the Minister to renew a provisional consent to the distribution of a new medicine. At present, such a consent may be granted for a period not exceeding 2 years, and is not renewable. Under the clause, each renewal may be for a maximum period of 2 years.

Clause 3 empowers a Medical Officer of Health to alert certain appropriate people where it appears that a person may be dependent upon any prescription medicine or restricted medicine. The clause follows an equivalent provision in section 20 of the Misuse of Drugs Act 1975 in respect of controlled drugs.

Hon. Dr Michael Bassett

MEDICINES AMENDMENT (NO. 2)

ANALYSIS

Title	
1. Short Title	
2. Renewal of provisional consents	
	3. Statements regarding persons dependent on prescription medicines or restricted medicines

A BILL INTITULED

An Act to amend the Medicines Act 1981

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Medicines Amendment Act (No. 2) 1985, and shall be read together with and deemed part of the Medicines Act 1981* (hereinafter referred to as the principal Act).

10 **2. Renewal of provisional consents**—(1) Section 23 (4) of the principal Act is hereby amended by omitting the word “subsection”, and substituting the words “**subsections (4A)** and”.

(2) Section 23 of the principal Act is hereby amended by inserting, after subsection (4), the following subsections:

15 “(4A) The Minister may, by notice in the *Gazette*, from time to time renew any provisional consent given under this section for a period not exceeding 2 years on any one occasion.

20 “(4B) Subsections (3) and (5) of this section shall apply to any renewal of a provisional consent given under **subsection (4A)** of this section as if it were a provisional consent given under subsection (1) of this section.”

*1981, No. 118

Amendment: 1985, No. 29

3. Statements regarding persons dependent on prescription medicines or restricted medicines—The principal Act is hereby amended by inserting, after section 49, the following section:

“49A. (1) If a Medical Officer of Health has reason to believe 5
that any person is or is likely to become dependent on any
prescription medicine or restricted medicine, the Medical
Officer of Health may, for the purpose of preventing or
restricting the supply of prescription medicines or restricted
medicines to that person, or of assisting in the cure or 10
mitigation or avoidance of the dependence of that person,
publish statements relating to that person to all or any of the
members of all or any of the classes of persons set out in
subsection (3) of this section.

“(2) Every statement made under **subsection (1)** of this section 15
shall be privileged unless the publication is proved to be made
with malice.

“(3) The classes of persons referred to in **subsection (1)** of this
section are as follows:

“(a) Members, officers, and employees of area health boards 20
constituted under the Area Health Boards Act 1983:

“(b) Members, officers, and employees of Hospital Boards
constituted under the Hospitals Act 1957:

“(c) Licensees and managers of private hospitals licensed 25
under the Hospitals Act 1957:

“(d) Superintendents of penal institutions within the meaning
of the Penal Institutions Act 1954:

“(e) Managers and superintendents of institutions within the
meaning of the Alcoholism and Drug Addiction Act 30
1966:

“(f) Medical practitioners:

“(g) Dentists:

“(h) Members of the Police:

“(i) Persons who deal in prescription medicines or restricted
medicines in the course of business. 35

“(4) Nothing in **subsection (1)** or **subsection (2)** of this section
shall limit or affect any right or duty that a Medical Officer of
Health may otherwise possess to publish a statement to any
person.

“(5) Every person commits an offence against this Act who, 40
except in the course of duty as a member of a class set out
in **subsection (3)** of this section or as an officer or servant of
the Crown, publishes any information obtained, whether by
that person or any other person, from a statement made
pursuant to **subsection (1)** of this section, or any comment on 45
any such statement.”