

Serial Number 1948/147



**THE FOOD AND DRUG REGULATIONS 1946, AMENDMENT
NO. 2**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 8th day of
September, 1948

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Food and Drugs Act, 1947, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Food and Drug Regulations 1946, Amendment No. 2.

2. These regulations shall be read together with and form part of the Food and Drug Regulations 1946* (hereinafter called the principal regulations).

3. These regulations shall come into force on the 20th day of September, 1948.

4. The principal regulations are amended by inserting therein, next following Regulation 186A, the following heading and regulation :—

“ RESTRICTION ON THE RETAIL SALE OF CERTAIN DRUGS

“ 186B. (1) For the purposes of this regulation ‘ prescription ’ includes ‘ order ’.

“ (2) No person shall sell by retail or dispense any of the substances included in the Sixth Schedule hereto unless he is a pharmaceutical chemist, medical practitioner, dentist, veterinary surgeon, or veterinary practitioner.

“ (3) No pharmaceutical chemist shall sell by retail or dispense any of the substances included in the Sixth Schedule hereto elsewhere than at a pharmacy or at a dispensary of a public hospital.

“ (4) No medical practitioner or dentist shall sell by retail or dispense any of the substances included in the Sixth Schedule hereto otherwise than for the treatment of patients under his care.

* Statutory Regulations 1946, Serial number 1946/136, page 327.

Amendment No. 1: Statutory Regulations 1947, Serial number 1947/152, page 526.

“(5) No veterinary surgeon or veterinary practitioner shall sell by retail or dispense any of the substances included in the Sixth Schedule hereto otherwise than for the treatment of animals under his care, except that he may sell by retail or dispense any of the substances included in Part II of the said Schedule to any person for the treatment of animals under that person’s care if he is satisfied that such person is sufficiently instructed in the proper use of the drug in such treatment.

“(6) No person other than a medical practitioner, dentist, veterinary surgeon, or veterinary practitioner shall sell by retail or dispense any of the substances included in Part I of the Sixth Schedule hereto except pursuant to a prescription given by a medical practitioner, dentist, veterinary surgeon, or veterinary practitioner and complying with the requirements of clause (9) or clause (10) of this regulation.

“(7) No person other than a veterinary surgeon or veterinary practitioner shall sell by retail or dispense any of the substances included in Part II of the Sixth Schedule hereto except pursuant to a prescription given by a veterinary surgeon or veterinary practitioner and complying with the requirements of clause (9) or clause (10) of this regulation.

“(8) On every occasion on which a pharmaceutical chemist sells by retail or dispenses a substance included in the Sixth Schedule hereto he shall record the sale in a prescription book and shall include in such record the date of the sale, the name and amount of the substance, and the name of the purchaser.

“(9) Except as provided by the next succeeding clause of this regulation, every prescription given under this regulation shall be either—

“(a) A prescription which shall—

“(i) Be written personally in his own handwriting by the person giving it and signed personally with his usual signature (and otherwise than by means of a stamping contrivance);

“(ii) Set out the date on which it is written;

“(iii) Set out the name and address of the person for whose use the prescription is given;

“(iv) Indicate by name the substance or preparation that is required to be dispensed;

“(v) Indicate the total amount of medicine to be supplied and the amount and frequency of each dose to be taken; or

“(b) A written order for group supply of pharmaceutical requirements in bulk to a licensed hospital issued by a medical practitioner under the provisions of any drug tariff provided for by regulations in force under the Social Security Act, 1938.

“(10) Notwithstanding the last preceding clause of this regulation, in case of emergency a person authorized to give a prescription relating to a particular substance included in the Sixth Schedule hereto may orally, whether face to face or by telephone, communicate that prescription to a chemist personally known to him for the purpose of being sold and dispensed by such chemist.

“(11) Every prescriber who communicates orally to a chemist a prescription relating to a substance included in the Sixth Schedule hereto shall forthwith himself reduce such prescription to writing in manner complying with clause (9) of this regulation and shall forthwith deliver the writing directly to the chemist whom he authorized to dispense the prescription, with an indication written thereon that it is intended only in confirmation of a prescription already communicated orally on a date stated in such indication.

“(12) Notwithstanding clauses (6) and (7) of this regulation, in case of emergency a chemist may sell or dispense a substance included in the Sixth Schedule hereto pursuant to a prescription communicated orally by a prescriber personally known to him and communicated under the authority of clause (10) of this regulation.

“(13) Any chemist having sold or dispensed any substance included in the Sixth Schedule pursuant to the last preceding clause of this regulation who does not forthwith receive a written prescription as provided by clause (11) hereof and complying in terms with the prescription orally communicated shall forthwith notify a Medical Officer of Health to that effect.

“(14) No person giving a prescription relating to a substance included in Part I of the Sixth Schedule hereto shall include in such prescription a direction that it may be dispensed more than once.

“(15) No medical practitioner or dentist shall prescribe any substance included in Part I of the Sixth Schedule hereto for any person other than a patient under treatment by him.

“(16) No veterinary surgeon or veterinary practitioner shall prescribe any substance included in Part I of the Sixth Schedule otherwise than in the practice of his profession for the treatment of an animal under his care.

“(17) No veterinary surgeon or veterinary practitioner shall prescribe any substance included in Part II of the Sixth Schedule hereto unless he is satisfied that the person who is to receive such substance requires it for the treatment of animals under his care and that such person is sufficiently instructed in the proper use of the drug in such treatment.

“(18) Every person dispensing a prescription for a substance included in the Sixth Schedule hereto shall comply with the following requirements:—

“(a) The prescription shall not be dispensed more than once unless it is for the supply of a substance included in Part II of the Sixth Schedule hereto and unless also the prescriber has stated thereon that it may be dispensed more than once, the number of such occasions being set out in the statement:

“(b) If the prescription contains a direction that it may be dispensed a stated number of times or at stated intervals, it shall not be dispensed otherwise than in accordance with the direction:

“(c) At every time of dispensing there shall be written on the face of the prescription above the signature of the prescriber the name and address of the seller and the date on which the prescription is dispensed:

“(d) After being dispensed, whether on the single occasion or on the last of the several occasions on which according to this regulation it is permissible to dispense it, every prescription shall be either—

“(i) Delivered to the appropriate Medical Officer of Health, if it is to support a claim under any regulations in force under the Social Security Act, 1938; or

“(ii) Retained on the premises where it was dispensed for a period of three years, whether or not the person who dispenses it himself remains at the premises.

“(19) Nevertheless, under special circumstances the Director-General of Health may, by writing under his hand, authorize the dispensing of prescriptions without compliance with the requirements set out in clause (18) of this regulation, but subject to such other requirements as he may think fit to impose.”

5. The principal regulations are amended by adding thereto the following Schedule :—

“SIXTH SCHEDULE

“DRUGS SUBJECT TO RESTRICTION OF RETAIL SALE

“Part I

“1. Penicillin and its salts; preparations containing any of these substances, except, however, preparations included in Part II of this Schedule.

“2. Streptomycin and its salts and all other antibiotic metabolites whether derived from natural sources or produced by synthesis; preparations containing any of these substances.

“Part II

“The following preparations for the treatment of bovine mastitis by intramammary injection :—

“(i) Teat bougies in which penicillin or a salt of penicillin is incorporated in a solid base :

“(ii) Preparations of penicillin or a salt of penicillin when incorporated in a base of liquid or semi-solid consistency and contained in a collapsible tube fitted with a nozzle designed for insertion in the teat.”

T. J. SHERRARD,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 9th day of September, 1948.
These regulations are administered in the Department of Health.

(H.-F. and D. 48/1.)