

Serial Number 1951/68

**THE FOOD AND DRUG REGULATIONS 1946,
AMENDMENT NO. 6**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 29th day of
March, 1951

Present :

THE HON. K. J. HOLYOAKE PRESIDING 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. (1) These regulations may be cited as the Food and Drug Regulations 1946, Amendment No. 6, and shall be read together with and deemed part of the Food and Drug Regulations 1946* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. The principal regulations are hereby amended by revoking regulation 186B and the heading thereto, as inserted by regulation 4 of the Food and Drug Regulations 1946, Amendment No. 2, and substituting the following heading and regulation :—

**“ RESTRICTIONS ON THE RETAIL SALE, DISPENSING, AND PRESCRIBING
OF CERTAIN DRUGS**

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

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

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

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

Amendment No. 2 : Statutory Regulations 1948, Serial number 1948/147, page 463.

Amendment No. 3 : Statutory Regulations 1949, Serial number 1949/158, page 625.

Amendment No. 4 : Statutory Regulations 1950, Serial number, 1950/102, page 305.

Amendment No. 5 : Statutory Regulations 1950, Serial number 1950/138, page 462.

See also the Food and Drug Temporary Regulations 1946, Statutory Regulations 1946, Serial number 1946/162, page 441 (*regulations 7, 8, 9, and 11 of which were revoked by Serial numbers 1947/152, 1949/158, and 1950/138*).

“(3) No pharmaceutical chemist shall sell by retail or dispense any of the substances specified in the Sixth Schedule hereto except—

“(a) Pursuant to a prescription given by a medical practitioner, dentist, veterinary surgeon, or veterinary practitioner that complies with the requirements of clause (7) or clause (8) or, in a case of emergency, of clause (9) of this regulation; and

“(b) 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 specified in the Sixth Schedule hereto otherwise than for the treatment of patients under his care.

“(5) No veterinary surgeon or veterinary practitioner shall sell by retail or dispense any of the substances specified in the Sixth Schedule hereto otherwise than in the practice of his profession and for the treatment of animals under his care.

“(6) On every occasion on which a pharmaceutical chemist sells by retail or dispenses a substance specified 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, the name of the prescriber, and the name of the purchaser.

“(7) Except as provided by clauses (8) and (9) of this regulation, every prescription given under this regulation shall—

“(a) 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):

“(b) Set out the date on which it is written:

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

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

“(e) Indicate the total amount of medicine to be supplied and the amount and frequency of each dose to be taken.

“(8) A prescription given under this regulation may be 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 for the time being in force under the Social Security Act, 1938.

“(9) In a case of emergency, a person authorized to give a prescription relating to a particular substance specified in the Sixth Schedule hereto may orally, whether in person or by telephone, communicate that prescription to a pharmaceutical chemist personally known to him, for the purposes of the sale and dispensing of that substance by that chemist.

“(10) Every prescriber who orally communicates to a pharmaceutical chemist as aforesaid a prescription relating to a substance specified in the Sixth Schedule hereto shall forthwith himself reduce the prescription to writing in manner complying with clause (7) 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 the indication.

“(11) Notwithstanding anything in paragraph (b) of clause (3) of this regulation, in a case of emergency a pharmaceutical chemist may sell and dispense a substance specified in the Sixth Schedule hereto

pursuant to a prescription communicated orally, by a prescriber personally known to him, under the authority of clause (9) of this regulation.

“(12) Any pharmaceutical chemist, having sold or dispensed any substance specified in the Sixth Schedule hereto pursuant to clause (11) of this regulation, who does not forthwith receive a written prescription, as provided by clause (10) of this regulation, complying in terms with the prescription orally communicated shall forthwith notify a Medical Officer of Health to that effect.

“(13) No person giving a prescription relating to a substance specified in the Sixth Schedule hereto shall include in the prescription a direction that it may be dispensed more than once.

“(14) Except as provided in clause (8) of this regulation, no medical practitioner or dentist shall prescribe any substance specified in the Sixth Schedule hereto for any person other than a patient under treatment by him.

“(15) No veterinary surgeon or veterinary practitioner shall prescribe any substance specified in the Sixth Schedule hereto otherwise than in the practice of his profession and for the treatment of an animal under his care.

“(16) It shall be the duty of every person dispensing a prescription for a substance specified in the Sixth Schedule hereto to ensure that the following requirements are complied with :—

“(a) The prescription shall not be dispensed more than once :

“(b) After being dispensed, the prescription shall be either—

“(i) Delivered to the appropriate Medical Officer of Health, if it is to support a claim under any regulations for the time being 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 dispensed it himself remains at the premises.

“(17) Notwithstanding anything in clause (16) of this regulation, in 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 the said clause (16), but subject to such other requirements as he may think fit to impose.”

3. The principal regulations are hereby further amended by revoking the Sixth Schedule, as added by regulation 5 of the Food and Drug Regulations 1946, Amendment No. 2, and substituting the following schedule :—

“SIXTH SCHEDULE

“DRUGS TO WHICH RESTRICTIONS ON RETAIL SALE, DISPENSING, AND PRESCRIBING APPLY

“1. Penicillin and its salts ; and preparations containing penicillin or any of its salts, except the following preparations for the treatment of bovine mastitis by intramammary injections, namely :—

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

“(b) 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.

“2. Streptomycin and its salts and all other antibiotic metabolites, whether derived from natural sources or produced by synthesis ; and preparations containing any of those substances, except the antibiotic metabolite known as tyrothricin.”

4. The Food and Drug Regulations 1946, Amendment No. 2, are hereby revoked.

T. J. SHERRARD,
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 re-enact, in a modified form, the provisions which at present restrict the sale, dispensing, and prescribing of penicillin and streptomycin and other antibiotics.

The main changes made by these regulations are the removal of the restrictions on the sale and dispensing of certain penicillin preparations designed for veterinary use—namely, preparations for the treatment of bovine mastitis, and the removal of the restrictions on the sale and dispensing of tyrothricin.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 5th day of April, 1951.
These regulations are administered in the Department of Health.

(H.F. & D. 51/1.)