# THE MISUSE OF DRUGS REGULATIONS 1977, AMENDMENT NO. 11

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 10th day of April 1995

Present:

THE RIGHT HON. J. B. BOLGER PRESIDING IN COUNCIL

PURSUANT to section 37 of the Misuse of Drugs Act 1975, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS



REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Misuse of Drugs Regulations 1977, Amendment No. 11, and shall be read together with and deemed part of the Misuse of Drugs Regulations 1977* (hereinafter referred to as the principal regulations).

*S.R. 1977/37
Amendment No. 1: S.R. 1977/135
Amendment No. 2: S.R. 1978/142
Amendment No. 3: S.R. 1979/274
Amendment No. 4: S.R. 1980/207
Amendment No. 5: S.R. 1982/64
Amendment No. 6: S.R. 1985/19
Amendment No. 7: S.R. 1985/174
Amendment No. 8: (*Revoked by S.R. 1993/157*)
Amendment No. 9: S.R. 1990/222
Amendment No. 10: S.R. 1993/157

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

**2. Restrictions on sizes of containers**—(1) The principal regulations are hereby amended by revoking regulation 26 (as substituted by regulation 2 of the Misuse of Drugs Regulations 1977, Amendment No. 5), and substituting the following regulation:

"26. (1) In this regulation 'pharmacy' means premises that are registered as a pharmacy under the Pharmacy Act 1970.

"(2) Subject to subclause (3) of this regulation, no person shall supply to a pharmacy a controlled drug of any type or kind specified in any of paragraphs (a) to (e) of this subclause in a container that contains a quantity of that drug in excess of the amount so specified:

"(a) Powders:

"Cocaine hydrochloride:
"Methadone hydrochloride:
"Morphine hydrochloride:
"Morphine sulphate:
"An amount per container not exceeding 2 grams:

"(b) Liquid dose form of methadone or morphine:

"An amount per container not exceeding 100 millilitres or, where the total amount of morphine or methadone in a container does not exceed 2 grams, an amount per container not exceeding 200 millilitres:

"(c) Liquid dose form of Nepenthe or Opium tincture:

"An amount per container not exceeding 100 millilitres:

"(d) Solid dose form:

"Dextromoramide:
"Levorphanol:
"Methadone:
"Morphine sulphate:
"Papaveretum:
"Pethidine:
"An amount per container not exceeding 10 items in solid dose form:

"(e) Ampoules (whether or not the controlled drug is mixed with any other substance):

"Dextromoramide:
"Levorphanol:
"Methadone:
"Morphine:
"Papaveretum:
"Pethidine:
"An amount per container not exceeding 5 ampoules.

"(3) Subclause (2) of this regulation shall not apply to a controlled drug packed for supply in its original container to a hospital or other institution."

(2) Regulation 2 of the Misuse of Drugs Regulations 1977, Amendment No. 5 is hereby consequentially revoked.

**3. Requirements in relation to prescriptions**—(1) The principal regulations are hereby amended by revoking regulation 29, and substituting the following regulation:

"29. (1) Every prescription for the supply of a controlled drug, shall, except in the case of emergency as provided by regulation 34 of these regulations,—

"(a) In the case of a controlled drug intended for human use, be written on a form provided by the Director-General, if the drug is—

"(i) A Class A controlled drug or a Class B controlled drug; or

"(ii) Amobarbital, amobarbital sodium, buprenorphine, butobarbitone, glutethimide, secobarbital, or secobarbital sodium, or a combination of any 2 or more of those substances:

"Provided that this paragraph shall not apply in respect of any substance or combination of substances referred to in subparagraph (ii) of this paragraph if that substance or combination is combined with any other pharmacologically active substance or substances, none of which are included in clause 1 of Part IV of the Third Schedule to the Act:

"(b) Be legibly and indelibly written or, where the controlled drug prescribed is methadone and the prescription is given by a medical practitioner who works in a place for the time being specified by the Minister under section 24 (5) (b) of the Act, be either legibly and indelibly written or in a form approved from time to time by the Director-General of Health:

"(c) In the case of a controlled drug that is not a Class C controlled drug,—

"(i) Be given by a practitioner or registered midwife who is not for the time being prohibited under section 23 of the Act from issuing prescriptions for the supply of controlled drugs; and

"(ii) Be indelibly signed by the practitioner or registered midwife giving it with his or her usual signature, personally and directly handwritten and not affixed by means of any stamping, stencilling, duplicating, or other contrivance; and

"(iii) Except where it is given by a medical practitioner who works in a place for the time being specified by the Minister under section 24 (5) (b) of the Act, be in the handwriting of the practitioner or registered midwife giving it:

"(d) Set out the date on which it is signed:

"(e) Set out the address of the person by whom it is signed:

"Provided that the address may be stamped on the prescription:

"(f) Set out the surname, initials of the first names, and address and, in the case of a child under the age of 12 years, the age in years and months in words, of the person to whom the controlled drug is intended to be administered, or, in the case of a prescription given by a veterinary surgeon, of the person having the custody of the animal to which the controlled drug is intended to be administered:

"(g) If given by a dentist, bear the words 'for dental treatment only':

"(h) If given by a registered midwife, bear the words 'for midwifery use only':

"(i) If given by a veterinary surgeon, bear the words 'for animal treatment only':

"(j) Set out the name of the controlled drug to be supplied:

"(k) Not be written in cipher, or abbreviated, otherwise than by abbreviations recognised in the British Pharmacopoeia, the British Pharmaceutical Codex, or other standard reference books on materia medica or pharmacy:

"(l) Indicate the total amount of the controlled drug that may be sold or dispensed on the one occasion, or on each of the several occasions, authorised by that prescription:

"(m) Set out the dose and frequency of the dose, or, in the case of a controlled drug for external use, directions for use:

"(n) Where it prescribes an unusual dose, or what may be regarded as a dangerous dose, of any controlled drug, have the amount of the dose emphasised by being underlined, with the initials of the practitioner set out in the margin opposite thereto.

"(2) No person, except a medical practitioner acting in a case of emergency under regulation 34 of these regulations, shall give a prescription for the supply of a controlled drug that does not conform to the requirements of subclause (1) of this regulation.

"(3) Nothing in this regulation shall apply in respect of exempted drugs or partially exempted drugs."

(2) The following regulations are hereby consequentially revoked:

(a) The Misuse of Drugs Regulations 1977, Amendment No. 4:

(b) Regulation 2 of the Misuse of Drugs Regulations 1977, Amendment No. 7:

(c) Regulation 4 of the Misuse of Drugs Regulations 1977, Amendment No. 9.

**4. Consequential amendments**—(1) Regulation 30 of the principal regulations is hereby amended by omitting the expression "paragraphs (e), (f), (g), (k), and (l)", and substituting the expression "paragraphs (f), (g), (h), (i), (m), and (n)".

(2) Regulation 32 (2) of the principal regulations is hereby amended by omitting from the proviso the expression "regulation 29 (1) (b)", and substituting the expression "regulation 29 (1) (c) (ii)".

(3) Regulation 36 (1) of the principal regulations is hereby amended—

(a) By omitting the expression "paragraphs (c), (h), and (k)", and substituting the expression "paragraphs (d), (j), and (m)"; and

(b) By omitting the expression "paragraphs (b), (i), and (l)", and substituting the expression "paragraphs (b), (c), (k), and (n)".

MARIE SHROFF,
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 amend the Misuse of Drugs Regulations 1977.

*Regulation 2* alters the restrictions that apply in relation to the supply of controlled drugs to pharmacies. Under the alterations—

(a) There are technical changes whereby the reference to "liquids" becomes a reference to "liquid dose form" and the reference to "tablets" becomes a reference to "solid dose form":

(b) The maximum container size for morphine and methadone in liquid dose form is increased from 100 millilitres to 200 millilitres in any case in which the amount of morphine or methadone in the container does not exceed 2 grams:

(c) The maximum number of items of morphine sulphate in solid dose form that may be included in a container is to be 10.

*Regulation 3* does away with the need for a prescription for methadone which is given by a medical practitioner who works in a gazetted drug dependency clinic to be in the handwriting of that medical practitioner.

The change does not do away with the need for such a medical practitioner to sign such a prescription personally.

Regulation 4 effects amendments that are consequential on those made by *regulation 3*.

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Date of notification in *Gazette:* 11 April 1995.
These regulations are administered in the Ministry of Health.