



**THE MISUSE OF DRUGS REGULATIONS 1977, AMENDMENT
NO. 9**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 3rd day of September 1990

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

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

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Misuse of Drugs Regulations 1977, Amendment No. 9, and shall be read together with and deemed part of the Misuse of Drugs Regulations 1977* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 7th day of September 1990.

*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. 1983/19
Amendment No. 7: S.R. 1983/174
Amendment No. 8: S.R. 1985/146

2. Interpretation—Regulation 2 (1) of the principal regulations is hereby amended by adding the following definition:

“Registered midwife” means a person who is registered as a midwife under the Nurses Act 1977.”

3. Restrictions on application of section 8 of Act, etc.—Regulation 21 of the principal regulations is hereby amended by inserting, after subclause (4), the following subclause:

“(4A) No registered midwife shall give a prescription for the supply of pethidine under section 8 (2) (aa) of the Act otherwise than for the treatment of a patient under his or her care.”

4. Prescription to be in accordance with regulations—(1) Regulation 29 (1) (b) of the principal regulations is hereby amended—

(a) By inserting, after the word “practitioner” in both places where it occurs, the words “or registered midwife”:

(b) By omitting the words “with his”, and substituting the words “or her with his or her”.

(2) Regulation 29 (1) of the principal regulations is hereby further amended by inserting, after paragraph (f), the following paragraph:

“(fa) If given by a registered midwife, bear the words ‘for midwifery use only’.”.

5. Restrictions on supply on prescription—(1) Regulation 31 of the principal regulations is hereby amended by inserting, after subclause (2) (as substituted by regulation 4 (2) of the Misuse of Drugs Regulations 1977, Amendment No. 1), the following subclause:

“(2A) If the registered midwife signing the prescription so directs on the prescription, pethidine may be supplied under section 8 (2) (aa) of the Act on not more than 2 occasions, at an interval to be specified by the midwife on the prescription, the first such occasion being not more than 4 days after the date of the prescription and the second such occasion being not more than 4 days after the termination of that interval:

“Provided that in no case shall the total quantity supplied, having regard to the dose and frequency of the dose or the directions given by the prescriber, be greater than a quantity sufficient for use for a period of 1 month.”

(2) Regulation 31 (4) of the principal regulations is hereby amended—

(a) By inserting, after the words “medical practitioner” in both places where they occur, the words “or registered midwife”:

(b) By inserting, before the words “considers necessary for a stated period”, the words “or she”.

6. Verification of prescriptions—Regulation 32 of the principal regulations is hereby amended—

(a) By inserting in subclauses (1), (2), and (3), after the word “practitioner” wherever it occurs, the words “or registered midwife”:

(b) By inserting in the proviso to subclause (2), after the words “given by him”, the words “or her”.

7. Emergencies—Regulation 34 of the principal regulations is hereby amended—

- (a) By inserting in subclauses (1) and (2), after the words “medical practitioner”, the words “or registered midwife”;
- (b) By inserting in subclause (1), after the words “known to him”, the words “or her”;
- (c) By inserting in subclause (2), before the words “authorised to dispense it”, the words “or she”.

8. Duty to supply information—Regulation 35 of the principal regulations is hereby amended—

- (a) By inserting in subclauses (1), (2), and (4), after the word “practitioner” wherever it occurs, the words “or registered midwife”;
- (b) By inserting in subclause (1), after the word “his” in both places where it occurs and also after the word “him”, the words “or her”.

9. Special provisions for hospitals—Regulation 36 of the principal regulations is hereby amended—

- (a) By inserting in subclauses (1) and (2), after the words “medical practitioner” wherever they occur, the words “or registered midwife”;
- (b) By inserting in subclause (2), after the words “attended by him”, the words “or her”.

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, which come into force on 7 September 1990, amend the Misuse of Drugs Regulations 1977. The amendments are consequential upon the changes made to the Misuse of Drugs Act 1975 by the Nurses Amendment Act 1990 and regulate the manner in which registered midwives may prescribe pethidine.

Issued under the authority of the Acts and Regulations Publication Act 1989.
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These regulations are administered in the Department of Health.