



THE NARCOTICS REGULATIONS 1966, AMENDMENT NO. 2

ARTHUR PORRITT, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 23rd day of September
1968

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Narcotics Act 1965, 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 Narcotics Regulations 1966, Amendment No. 2, and shall be read together with and deemed part of the Narcotics Regulations 1966* (hereinafter referred to as the principal regulations).

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

2. Interpretation—Regulation 2 of the principal regulations is hereby amended by omitting from subclause (1) the definition of “To deal in”, and substituting the following definition:

“To deal in’ means to manufacture, to use in manufacture, to supply, or to administer.”

3. Licence to manufacture—Regulation 5 of the principal regulations is hereby amended by inserting in paragraph (c) of subclause (2), after the word “narcotics” where it first occurs, the words, “(other than exempted preparations)”.

4. Import and export licences—Regulation 8 of the principal regulations is hereby amended by omitting from subclause (2) the words “cannabis, desomorphine”, and substituting the words “acetylcodeine, cannabis, desomorphine, etorphine”.

5. Licences to cultivate—The principal regulations are hereby further amended by revoking regulation 9, and substituting the following regulation:

“9. (1) Every licence to cultivate a prohibited plant shall specify the prohibited plant which the licensee may cultivate, and, without prejudice to the power of the Director-General to impose conditions to which the licence is subject, shall describe the land or specify the full address of the premises on which such cultivation is authorised and specify either the area of that land or the number of plants which may be cultivated thereon or at such premises at any one time.

“(2) No licence to cultivate a prohibited plant shall have the effect of authorising the cultivation—

“(a) Of any plant of the genus *cannabis* for the purpose of the production of *cannabis* or *cannabis* resin:

“(b) Of any plant of the species *papaver somniferum* for the purpose of the production of opium:

“(c) Of *erythroxyton coca* or *erythroxyton truxillense* or any other plant of the genus *erythroxyton* for the purpose of the production of cocaine:

“(d) Of any plant of the species *lophophora williamsii* or *lophophora lewini* for the purpose of the production of mescaline.

“(3) A licence to cultivate a prohibited plant shall cease to have effect on the expiration of the period, if any, specified therein in that behalf, but any such licence may be granted for an indefinite period.”

6. Pharmacists—(1) Regulation 15 of the principal regulations is hereby amended by revoking paragraph (a) of subclause (1), and substituting the following paragraph:

“(a) Every pharmacist who for the time being keeps in accordance with the requirements of the Pharmacy Act 1939 and the regulations thereunder, an open shop or place of business for the compounding or dispensing of prescriptions and is a contractor within the meaning of the Social Security (Pharmaceutical Benefits) Regulations 1965* and any pharmacist who is employed by such a contractor in any such shop or place so kept”.

(2) Regulation 15 of the principal regulations is hereby further amended by omitting from paragraph (b) of subclause (1) the words “, as a chief pharmacist, or as a pharmacist in charge of a dispensary, or in a similar capacity”.

7. Practitioners—Regulation 16 of the principal regulations is hereby amended—

(a) By inserting in paragraph (a) of subclause (1) and also in paragraph (b) of that subclause, after the words “medical practitioner” wherever they occur, the words “or dentist”:

(b) By omitting from paragraph (e) of subclause (1) the word “practitioner”, and substituting the words “veterinary surgeon”.

8. Custody of narcotics—The principal regulations are hereby further amended by revoking regulation 28, and substituting the following regulation:

"28. (1) Subject to subclause (3) of this regulation and to any conditions which may be imposed under regulation 4 or regulation 20 of these regulations, every person in possession of a narcotic that is not required for immediate use shall—

"(a) Keep it in a locked cupboard of substantial construction (which, after the thirty-first day of March, nineteen hundred and sixty-nine, shall be constructed of metal) or in a locked compartment which, in the case of a building, shall be constructed of metal or concrete or both; and

"(b) Ensure that the cupboard or compartment is securely fixed to, or is part of, the building, ship, aircraft, or vehicle within which the narcotic is kept for the time being; and

"(c) Ensure that the key of the cupboard or compartment is kept in a safe place when that key is not being used to lock or unlock the cupboard or compartment and, where the building, ship, aircraft, or vehicle within which the narcotic is kept for the time being is left unattended, that safe place shall not be within that building, ship, aircraft, or vehicle.

"(2) Subject to subclause (3) of this regulation, no person in possession of a narcotic, which is kept for the time being within any building, ship, aircraft, or vehicle, shall leave that building, ship, aircraft, or vehicle unattended, unless he has taken all reasonable steps to secure that building, ship, aircraft, or vehicle, and the part of it in which the narcotic is kept, against unlawful entry.

"(3) Nothing in this regulation shall apply to a narcotic which is contained in a first-aid outfit that is provided in accordance with the Shipping Lifesaving Appliances Rules 1968*."

9. Dental prescriptions—(1) Regulation 29 of the principal regulations is hereby amended by omitting from paragraph (e) of subclause (1) the word "local".

(2) Regulation 30 of the principal regulations is hereby amended by omitting from subclause (1) the words "purposes of local dental treatment", and substituting the words "dental treatment of a patient under his care".

(3) Regulation 30 of the principal regulations is hereby further amended by adding the following subclause:

"(4) No dentist shall give a prescription for the supply of a narcotic in any quantity greater than the quantity reasonably required for the treatment of the patient for a period of 7 days."

10. Stocktaking—Regulation 43 of the principal regulations is hereby amended by omitting from subclause (3) the words "affixing thereto the initials", and substituting the words "the signatures".

11. Hospital records—(1) Regulation 44 of the principal regulations is hereby amended by omitting from subclause (2) the words "pharmacist referred to in paragraph (b) of subclause (1) of regulation 15 of these regulations", and substituting the words "chief pharmacist".

(2) Regulation 44 of the principal regulations is hereby further amended by adding the following subclause:

“(3) In this regulation, and in regulation 45 of these regulations, ‘chief pharmacist’ means a pharmacist employed in a hospital or other institution as a chief pharmacist or as a pharmacist in charge of a dispensary or in a similar capacity.”

12. Ward books—Regulation 45 of the principal regulations is hereby amended:

- (a) By omitting from paragraph (c) the words “legibly initialled”, and substituting the word “signed”:
- (b) By inserting in paragraph (c), before the word “pharmacist”, the word “chief”:
- (c) By inserting in paragraph (d), after the words “case may be” the words, “or the chief pharmacist”:
- (d) By omitting from paragraph (d) the words “shall signify, by initialling”, and substituting the words “or chief pharmacist shall indicate, by signing their names”.

13. Returns of wholesale transactions—Regulation 47 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) In this regulation ‘disposal by wholesale’ means—

- “(a) Export or supply by a person licensed under these regulations to deal in narcotics:
- “(b) Supply to any person (other than a practitioner) who is authorised by or under these regulations to use in manufacture, supply, or export narcotics or is licensed under paragraph (a) of regulation 10, or is authorised by regulations 18, 19, or 20 of these regulations, to possess narcotics.”

14. Amendment of First Schedule to principal regulations—The First Schedule to the principal regulations is hereby amended by omitting from item 7 the word “Pholcodeine”, and substituting the word “Pholcodine”.

P. J. BROOKS,
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 make a number of miscellaneous amendments to the Narcotics Regulations 1966.

The main changes are as follows:

Regulation 4 adds acetorphine and etorphine to the group of drugs which may be imported only with the consent of the Minister given in relation to a particular case.

Regulation 5 substitutes a new regulation 9 in the principal regulations. This regulation provides for licences to cultivate prohibited plants and the new regulation will allow a more flexible system of issuing licences to be instituted.

Regulation 8 substitutes a new regulation 28 in the principal regulations. This regulation deals with the safe custody of narcotics and the new regulation specifies more clearly the responsibilities of those persons who are in possession of narcotics to provide for the security of those narcotics. Cupboards used for the storage of narcotics not required for immediate use are now required to be of substantial construction and, after 31 March 1969, they will be required, in addition, to be constructed of metal.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 26 September 1968.

These regulations are administered in the Department of Health.