

1969/95



THE POISONS REGULATIONS 1964, AMENDMENT NO. 3

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 26th day of May 1969

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING IN COUNCIL

PURSUANT to the Poisons Act 1960, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| 2. Prescription poisons | 13. New restricted poisons |
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| 5. Dentists prescriptions | 16. New prescription poisons |
| 6. Restrictions on supply to particular persons | 17. Further amendments to Part I of Seventh Schedule to principal regulations |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Poisons Regulations 1964, Amendment No. 3, and shall be read together with and deemed part of the Poisons Regulations 1964* (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. Prescription poisons—Regulation 7 of the principal regulations is hereby amended by adding the following proviso:

*S.R. 1964/64

Amendment No. 1: S.R. 1966/84

Amendment No. 2: S.R. 1967/250

“Provided that—

“(a) No animal remedy within the meaning of the Animal Remedies Act 1967, which is sold as a food supplement or food premix for animals, shall be a prescription poison; and

“(b) No agricultural chemical registered under the Agricultural Chemicals Act 1959 shall be a restricted drug.”

3. Exemptions—Regulation 9 of the principal regulations is hereby amended by inserting in paragraph (a) of subclause (4), and also in paragraph (b) of that subclause, before the word “insecticide”, the word “organo-chlorine”.

4. Sale of chloral hydrate by retail—The principal regulations are hereby further amended by inserting, after regulation 10, the following regulation:

“10A. No person shall sell by retail to any one person on any one day, otherwise than pursuant to a single prescription given by a medical practitioner, dentist, or veterinary surgeon, more than 10 ordinary doses of any poison which is or contains chloral hydrate or its molecular compounds or molecular complexes.”

5. Dentists prescriptions—Regulation 16 of the principal regulations is hereby amended by omitting from subclause (2) the words “three usual doses”, and substituting the words “seven days supply”.

6. Restrictions on supply to particular persons—The principal regulations are hereby amended by inserting, after regulation 20, the following regulation:

“20A. (1) In this regulation—

“‘Practitioner’ means a medical practitioner, dentist, or veterinary surgeon:

“‘Restricted person’ means a person who is the subject of a notice given under subclause (2) of this regulation and for the time being in force.

“(2) Notwithstanding anything in the Act or these regulations, where a District Registrar is satisfied that any person is addicted or habituated to the use of any poison named in the First Schedule or Part I of the Seventh Schedule to these regulations, he may from time to time, by notice in such form as he thinks fit, given generally or to any practitioner or other person entitled by or under the Act to sell or otherwise supply that poison or any similar poison, prohibit, subject to such conditions and exceptions as the District Registrar may prescribe in the notice, every practitioner from issuing prescriptions for the supply of, and every person from supplying, that poison and any similar poison specified in the notice (being a poison named in the First Schedule or Part I of the Seventh Schedule to these regulations) to the first-mentioned person.

“(3) The District Registrar may at any time by a like notice revoke, or vary, or modify any prohibition, condition, or exception contained in, a notice given by him under this regulation.

“(4) A copy of any notice under subclause (2) or subclause (3) of this regulation shall be served personally or by registered post, on the restricted person, but failure to comply with this requirement shall not invalidate the notice.

“(5) No person shall knowingly prescribe for or supply to a restricted person any poison in contravention of a notice which has been given to the first-mentioned person pursuant to subclause (2) or subclause (3) of this regulation or which has otherwise come to his attention.

“(6) No restricted person shall procure or attempt to procure a prescription or a poison from any person who to his knowledge is for the time being prohibited pursuant to subclause (2) or subclause (3) of this regulation from issuing that prescription for or supplying that poison to him.”

7. Records—Regulation 58 of the principal regulations is hereby amended by inserting, in paragraph (c) and also in paragraph (d), after the word “medicine”, the words “for internal use”.

8. New First Schedule poisons—(1) The substances named in the First Schedule to these regulations are hereby declared to be poisons.

(2) The First Schedule to the principal regulations (as amended by regulations 7 and 8 of the Poisons Regulations 1964, Amendment No. 1, and by regulations 5 and 6 of the Poisons Regulations 1964, Amendment No. 2) is hereby further amended by inserting, in their appropriate alphabetical order, the names of the substances declared to be poisons by subclause (1) of this regulation.

9. Further amendments to First Schedule to principal regulations—The First Schedule to the principal regulations (as so amended) is hereby further amended by omitting the following items:

- “Lysergic acid diethylamide.”
- “Mephenesin; its salts and esters.”
- “Phenytoin; phenytoin sodium.”
- “Thalidomide; its salts.”

10. New Second Schedule poisons—(1) The substances named in the Second Schedule to these regulations are hereby declared to be poisons.

(2) The Second Schedule to the principal regulations (as amended by regulations 9 and 10 of the Poisons Regulations 1964, Amendment No. 1, and by regulations 7 and 8 of the Poisons Regulations 1964, Amendment No. 2) is hereby further amended by inserting, in their appropriate alphabetical order, the names of the substances declared to be poisons by subclause (1) of this regulation.

11. Further amendments to Second Schedule to principal regulations—The Second Schedule to the principal regulations (as so amended) is hereby further amended—

- (a) By omitting from each of the items that commence respectively with the words “Cyanocobalamin”, “Folic”, “Intrinsic”, and “Liver”, the words “, except in natural foods and in preparations registered under the Stock Remedies Act 1934”, and substituting in each case the words “for human use, except in natural foods”:
- (b) By omitting the item “4-hydroxy-3, 5-dibromobenzonitrile (Bromoxynil).” (as inserted by regulation 7 of the Poisons Regulations 1964, Amendment No. 2):

- (c) By adding to each of the items that commence respectively with the words "Phenylene" and "Toluene", the words "except when contained in hair dyes or other preparations included in the Fourth Schedule hereto":
- (d) By adding to the item that commences with the word "Phenylpropanolamine", the words "when contained in an appliance for inhalation in which this substance or any salt thereof is absorbed in inert solid material or when in liquid preparations containing not more than 0.5 percent of this substance or any salt thereof".

12. Amendment to Third Schedule to principal regulations—Part I of the Third Schedule to the principal regulations is hereby amended by omitting from clause (1) the words "Registered under the Stock Remedies Act 1934; or labelled and described as being for use exclusively", and substituting the words "Labelled or described as being for use exclusively as an animal remedy or".

13. New restricted poisons—(1) The substances named in the Third Schedule to these regulations, except when included in preparations for use as medicines or applications for man, are hereby declared to be restricted poisons.

(2) Part II of the Third Schedule to the principal regulations (as amended by regulations 9 and 10 of the Poisons Regulations 1964, Amendment No. 2) is hereby further amended by inserting, in their appropriate alphabetical order, the names of the substances declared to be restricted poisons by subclause (1) of this regulation.

14. New poisonous substances—(1) Subject to the qualification expressed in the last sentence in the Fourth Schedule to the principal regulations, the substances named in the Fourth Schedule to these regulations are hereby declared to be poisonous substances.

(2) The Fourth Schedule to the principal regulations (as amended by regulation 11 of the Poisons Regulations 1964, Amendment No. 1, and by Regulations 11 and 12 of the Poisons Regulations 1964, Amendment No. 2) is hereby further amended by inserting, in their appropriate alphabetical order, the names of the substances declared to be poisonous substances by subclause (1) of this regulation.

15. Further amendments to Fourth Schedule to principal regulations—

(1) The Fourth Schedule to the principal regulations (as so amended) is hereby further amended—

- (a) By omitting from the item that commences with the words "Benzene hexachloride" the words "; except dusts containing 1 percent", and substituting the words "in substances containing 2 percent";
- (b) By omitting the item that commences with the words "Liquid preparations of carbolic acid" (as amended by paragraph (b) of regulation 12 of the Poisons Regulations 1964, Amendment No. 2), and substituting the following item:

"Liquid preparations of phenol (carbolic acid), its homologues, and all preparations of the phenol and cresol groups containing not more than 60 percent of those substances; preparations of coal tar creosote."

- (c) By omitting the item "2, 4 dinitro-6-(1 methylheptyl) phenyl crotonate (Karathane).":
 - (d) By omitting the item "2, 4 dinitro-6-(1 methylheptyl) phenyl (Dinocap).":
 - (e) By inserting in the item that commences with the word "Rabbit", before the word "rat", the word "bird".
- (2) Regulation 12 of the Poisons Regulations 1964, Amendment No. 2, is hereby amended by revoking paragraph (b).

16. New prescription poisons—(1) Subject to the proviso to regulation 7 of the principal regulations (as inserted by regulation 2 of these regulations), the substances named in the Fifth Schedule to these regulations are hereby declared to be prescription poisons which may be sold by retail only pursuant to a prescription of a medical practitioner, dentist, or veterinary surgeon.

(2) Part I of the Seventh Schedule to the principal regulations (as amended by regulations 12 and 13 of the Poisons Regulations 1964, Amendment No. 1, and by regulations 13 and 14 of the Poisons Regulations 1964, Amendment No. 2) is hereby further amended by inserting, in their appropriate alphabetical order, the names of the substances declared to be prescription poisons by subclause (1) of this regulation.

17. Further amendments to Part I of Seventh Schedule to principal regulations—Part I of the Seventh Schedule to the principal regulations (as so amended) is hereby further amended—

- (a) By omitting the item "Brobenzoxaldine (5, 7-dibromo-8-benzoloxoquinaldine)." (as inserted by regulation 12 of the Poisons Regulations 1964, Amendment No. 1):
- (b) By omitting the item "Broxyquinoline (5, 7-dibromo-8-hydroxyquinoline)." (as inserted by regulation 12 of the Poisons Regulations 1964, Amendment No. 1):
- (c) By omitting the item "Furazolidone (Furoxone)." (as inserted by regulation 13 of the Poisons Regulations 1964, Amendment No. 2), and substituting the item "Furazolidone (Furoxone) except when included in preparations for the treatment of diseases of pigs and poultry.":
- (d) By omitting the item "Polynoxylin (Ponoxylan)." (as inserted by regulation 13 of the Poisons Regulations 1964, Amendment No. 2):
- (e) By omitting the items "Thalidomide (Distaval)." and "Thalidomide; its salts." (as inserted by regulation 13 of the Poisons Regulations 1964, Amendment No. 2), and substituting the item "Thalidomide; its salts.":
- (f) By inserting, after the word "except" in the item that commences with the word "Phenothiazine" (as amended by regulation 13 (b) of the Poisons Regulations 1964, Amendment No. 1), the word "dimethothiazine,".

18. New Part II of Seventh Schedule to principal regulations substituted—(1) The Seventh Schedule to the principal regulations is hereby further amended by revoking Part II (as amended by regulations 15 and 16 of the Poisons Regulations 1964, Amendment No. 2), and substituting the Part II set out in the Sixth Schedule to these regulations.

(2) Regulations 15 and 16 of the Poisons Regulations 1964, Amendment No. 2 are hereby revoked.

19. **New prohibited substances**—The Eighth Schedule to the principal regulations (as amended by regulation 14 of the Poisons Regulations 1964, Amendment No. 1, and by regulation 17 of the Poisons Regulations 1964, Amendment No. 2) is hereby further amended by inserting, in their appropriate alphabetical order, the names set out in the Seventh Schedule to these regulations.

SCHEDULES

FIRST SCHEDULE

Reg. 8

NEW POISONS

Bithionol, except when labelled exclusively for animal use.
Cyclohexylamine.
Hydroquinone.
Mercurous chloride.
Phosphine; preparations which generate phosphine.
Procainamide; its salts and esters.
Quinidine; its salts and esters.
Quinine; its salts and preparations, containing more than 10 percent of quinine.

SECOND SCHEDULE

Reg. 10

NEW POISONS

2-Aminobutane; its salts and derivatives.
Benzene hexachloride, except substances containing 2 percent or less of benzene hexachloride.
Brobenzoxaldine (8-Benzoyloxy-5, 7-dibromo-2-methylquinoline).
Bromoxynil (3, 5-dibromo-4-hydroxybenzotrile) (Buctril).
Broxyquinoline (5, 7-dibromo-8-hydroxyquinoline).
2-(4-chloro-6-ethylamino-S-triazin-2-ylamino)-2-methyl-propionitrile.
5, 6-dichloro-1-phenoxycarbonyl-2-trifluoromethylbenzimidazole.
Dimethothiazine mesylate (Banistyl).
Ethylene bisdithiocarbamate; its salts and esters (including the substance known as Nabam).
Iodochlorohydroxyquinoline.
8-(2-methylquinoxyl)-n-methylcarbamate.
Organic tin compounds.
Polynoxylin (Ponoxylan).
Tetrachloroethylene.

THIRD SCHEDULE

Reg. 13

NEW RESTRICTED POISONS

Crimidine (2-chloro-4-dimethylamino-6-pyrimidine) p-dimethylamino-benzenediazo sodium sulphonate (Dexon).
Dimetilán (2-dimethylcarbamyl-3-methyl-pyrazolyl-(5)-dimethylcarbamate).

THIRD SCHEDULE—*continued*

- Metmercaptopron (3, 5-dimethyl-4-methylmercaptophenyl-n-methylcarbamate) (Mesurol).
 Methyl-o-(carbamyl) thioacetohydroxymate.
 2-methyl-2-(methylthio) propionaldehyde-o-(methylcarbamoyl) oxime (Temik).
 Phosphine; preparations which generate phosphine.
 2-fluoroethyl 4-biphenyl acetate (fluenyl or fluenethyl).

FOURTH SCHEDULE

Reg. 14

NEW POISONOUS SUBSTANCES

- Dazomet (3, 5-dimethyltetrahydro - 1, 3, 5, 2 H - thiadiazine - 2-thione) (Basamid, Mylone, DMTT).
 3, 4-dichlorocyclopropane.
 Cypromid (3, 4-dichlorocyclopropane carboxyanilide).
 Dodine (Dodecyl guanidine acetate) (Melprex).
 Furidazole (2 - (2' - furyl) - benzimidazole) (Bayer 33172, Voronit).
 Glutaraldehyde.
 Methylthiocarbamic acid; its salts.
 Dinocap (2 - (1-methyl)-n-heptyl-4, 6-dinitrophenol); its salts and esters.
 2 - (thiocyanomethylthio) benzothiazole.

FIFTH SCHEDULE

Reg. 16

NEW PRESCRIPTION POISONS

- Alprenolol, derivatives of.
 Amantadine; its salts (Symmetrel).
 2-2 bis (chloromethyl) - 1,3 propandiol (Dispranol).
 Cobalt, its salts and compounds, in preparations intended for use as medicines for man; except radioactive forms of cobalt and their salts and compounds, and Cyanocobalamin (Vitamin B 12) and its derivatives.
 Disodium Cromoglycate; other cromoglycates.
 Drugs used as bronchodilators when packed under pressure.
 Emepromium bromide.
 Ethambutol; its salts.
 Fluanisone (Haloanisone).
 Flufenamic acid.
 Monobenzene.
 Pentazocine.
 Phenylpropanolamine; its salts, except when contained in an appliance for inhalation in which the poison is absorbed in inert solid material or when contained in liquid preparations containing 0.5 percent or less of phenylpropanolamine.
 Prothipendyl hydrochloride.

SIXTH SCHEDULE

Reg. 18

NEW PART II OF THE SEVENTH SCHEDULE TO THE PRINCIPAL REGULATIONS

"PART II

PRESCRIPTION POISONS KNOWN AS RESTRICTED DRUGS

Androgens, oestrogens, progestogens, either natural or synthetic, their derivatives, and preparations of them or their derivatives.

Any antimicrobial substance being:

- (a) A substance produced by bacteria, fungi, or protozoa; or
- (b) A substance the chemical properties of which are identical with, or similar to, any substance within paragraph (a) above; or
- (c) A salt or derivative, or a salt of a derivative, of any substance within paragraph (a) or paragraph (b) above; or
- (d) Any substance within paragraphs (a), (b), or (c) above, mixed with one or more other materials;

except—

(i) Chlortetracycline when in soluble powder form for the treatment of diseases of poultry; or

(ii) Erythromycin when in soluble powder form for the treatment of diseases of poultry; or

(iii) Oxytetracycline or salts of oxytetracycline when in soluble powder form for the treatment of diseases of poultry; or

(iv) Penicillin or salts of penicillin up to 100,000 units when incorporated in a base of liquid or semi-solid consistency and contained in a collapsible tube, disposable syringe, or any other device approved by the Animal Remedies Board fitted with a nozzle designed for insertion into the teat for the treatment of bovine mastitis; or

(v) Penicillin or salts of penicillin up to 1,500,000 units when contained in a collapsible tube to which can be fitted a hypodermic syringe for the injection of animals; or

(vi) Spiramycin when in soluble powder form or injectable form for the treatment of diseases of poultry; or

(vii) Tylosin or salts of tylosin when in soluble powder form or injectable form for the treatment of diseases of poultry.

Clomiphene; its salts and esters (Clomid).

Cortisone and steroid suprarenal cortical hormones, either natural or synthetic, their derivatives, and preparations of them or their derivatives.

Preparations of Vitamin A for human use if the recommended daily dose exceeds 10,000 i.u.

Preparations of Vitamin D for human use if the recommended daily dose exceeds 1,000 i.u.."

SEVENTH SCHEDULE

Reg. 19

NEW PROHIBITED SUBSTANCES

Acetorphine, (3 - 0 - acetyl - 7 α - (1 - R hydroxy - 1 - methylbutyl) - 6: 14 - endoethenotetrahydro-oripavine); also known as M. 183.

Bufotenine, (3-(2-dimethylaminoethyl)-5-indolol).
Etorphine, (7 α -(1-R-hydroxy-1-methylbutyl)-6:14-endoethenotetrahydro-orphavine); also known as M. 99.
Methyldimethoxymethylphenylethylamine.

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 important amendments to the Poisons Regulations 1964.

Regulation 2 provides that no animal remedy which is sold as a food supplement or food premix for animals shall be a prescription poison and that no agricultural chemical registered under the Agricultural Chemicals Act 1959 shall be a restricted drug.

Regulation 3 limits to organo-chlorine insecticides certain exemptions from the labelling provisions of the principal regulations. These exemptions were formerly applicable to all insecticides.

Regulation 4 inserts a new regulation 10A in the principal regulations. The new regulation restricts the sale of chloral hydrate and its preparations by providing that sales by retail, otherwise than pursuant to a single prescription, shall be limited to 10 ordinary doses per person per day.

Regulation 5 increases from 3 usual doses to 7 days supply the quantity of a prescription poison which a dentist may prescribe for a patient.

Regulation 6 inserts a new regulation 20A in the principal regulations. The new regulation authorises a District Registrar of Poisons to restrict the supply of prescription poisons named in Part I of the Seventh Schedule to the principal regulations and First Schedule poisons to any person if the District Registrar is satisfied that that person is addicted or habituated to the use of any such poison.

Regulations 7 to 17 and 19 make a number of miscellaneous amendments.

Regulation 18 substitutes a new Part II in the Seventh Schedule to the principal regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 29 May 1969.

These regulations are administered in the Department of Health.