

TASMANIA

POISONS AMENDMENT (NURSE PRACTITIONERS) BILL 2007

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**POISONS AMENDMENT (NURSE
PRACTITIONERS) BILL 2007**

*(Brought in by the Minister for Health and Human Services,
the Honourable Larissa Tahireh Giddings)*

A BILL FOR

An Act to amend the *Poisons Act 1971*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Poisons Amendment (Nurse Practitioners) Act 2007*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Principal Act

In this Act, the *Poisons Act 1971** is referred to as the Principal Act.

*No. 81 of 1971

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4. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as follows:

- (a) by inserting the following definition after the definition of “analyst”:

“authorised nurse practitioner”
means a nurse practitioner
authorised under section 25B;

- (b) by inserting the following definition after the definition of “narcotic substance”:

“nurse practitioner” means a
registered nurse who holds an
authorisation to practise as a
nurse practitioner under the
Nursing Act 1995;

5. Section 14 amended (The Poisons List)

Section 14(2) of the Principal Act is amended as follows:

- (a) by inserting in paragraph (c) “authorised nurse practitioners” after “chemists,”;
- (b) by inserting in paragraph (d) “authorised nurse practitioner” after “dentist,”.

6. Section 25B inserted

After section 25A of the Principal Act, the following section is inserted in Division 5:

25B. Authorisation of nurse practitioners by Secretary

(1) The Secretary may authorise in writing a nurse practitioner to do any or all of the following in such circumstances, subject to such conditions and in relation to such substances or class of substances as may be specified in the authorisation:

(a) sell or supply –

(i) medicinal poisons or potent substances; or

(ii) medicinal poisons or potent substances of a class specified in the authorisation;

(b) be in possession of, sell, supply or prescribe –

(i) restricted substances or narcotic substances; or

(ii) restricted substances or narcotic substances of a class specified in the authorisation; or

(2) The Secretary may at any time revoke an authorisation under subsection (1) or

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vary the substances or class of substances to which the authorisation relates or vary the circumstances in which, or the conditions subject to which, the authorisation may be exercised.

7. Section 26 amended (Sale and supply of potent substances and hazardous and medicinal poisons)

Section 26 of the Principal Act is amended as follows:

(a) by inserting in subsection (1)(b) “or subsection (1AB)” after “subsection (1A)”;

(b) by inserting the following subsection after subsection (1A):

(1AB) An authorised nurse practitioner in the lawful practice of his or her profession and to the extent of any authorisation conferred on him or her under section 25B is authorised to sell or supply to another person a substance to which this section applies.

(c) by inserting in subsection (1B) “or subsection (1D)” after “subsection (1C)”;

(d) by inserting the following subsection after subsection (1C):

(1D) An authorised nurse practitioner in the lawful practice of his or her

profession and to the extent of any authorisation conferred on him or her under section 25B is authorised to sell or supply a restricted substance to another person.

- (e) by omitting from subsection (2) “(1A)” and substituting “(1B)”;
- (f) by inserting in subsection (3) “an authorised nurse practitioner” after “dentist,”.

8. Section 36 amended (Offences relating to certain restricted substances)

Section 36 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1)(a) “or subsection (1B)” after “subsection (1A)”;
- (b) by inserting in subsection (1)(b)(i) “, authorised nurse practitioner” after “dentist”;
- (c) by inserting the following subsection after subsection (1A):

(1B) An authorised nurse practitioner in the lawful practice of his or her profession and to the extent of any authorisation conferred on him or her under section 25B is authorised to have in his or her

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possession, or to attempt to obtain possession of, a substance to which this section applies.

- (d) by inserting in subsection (2)(a) “authorised nurse practitioner” after “dentist,”;
- (e) by inserting in subsection (2)(b) “authorised nurse practitioner” after “dentist,”.

9. Section 38 amended (Limitation of application of certain provisions of Division 1 of this Part)

Section 38(1) of the Principal Act is amended as follows:

- (a) by inserting in paragraph (a) “authorised nurse practitioner” after “dentist,”;
- (b) by inserting in paragraph (d)(ii) “, dentist or authorised nurse practitioner” after “practitioner”;
- (c) by inserting in paragraph (e) “, dentist or authorised nurse practitioner” after “practitioner”.

10. Section 47 amended (Sale and supply of narcotic substances prohibited plants, and prohibited substances)

Section 47 of the Principal Act is amended as follows:

- (a) by inserting the following paragraph after paragraph (d) in subsection (1):
 - (daa) the person is an authorised nurse practitioner acting in accordance with an authorisation conferred on him or her under section 25B;
- (b) by inserting in subsection (1)(db) “, dentist or authorised nurse practitioner” after “practitioner”;
- (c) by inserting in subsection (10)(a) “or section 25B” after “section 25A”.

11. Section 48 amended (Possession of narcotic substances, &c.)

Section 48 of the Principal Act is amended as follows:

- (a) by inserting the following paragraph after paragraph (a) in subsection (1):
 - (ab) the person is an authorised nurse practitioner acting in accordance with an authorisation conferred on him or her under section 25B;
or

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(b) by inserting the following paragraph after paragraph (ba) in subsection (2):

(baa) the possession by a person of a narcotic substance supplied by an authorised nurse practitioner, in accordance with an authorisation under section 25B, to him or her or to some person who is a member of his or her family or his or her household or of whom he or she has the care, custody or control; or

12. Section 59 amended (Regulations relating to narcotics and narcotic substances)

Section 59 of the Principal Act is amended as follows:

(a) by inserting in subsection (1)(e) “authorised nurse practitioners” after “dentists,”;

(b) by inserting in subsection (1)(g) “dentists and authorised nurse practitioners,” after “practitioners,”;

(c) by inserting in subsection (2)(b) “authorised nurse practitioners” after “dentists,”;

(d) by inserting the following paragraph after paragraph (c) in subsection (6):

- (ca) professional misconduct within the meaning and for the purposes of Part 4 of the *Nursing Act 1995*;

13. Section 93 amended (Regulations)

Section 93(2) of the Principal Act is amended as follows:

- (a) by inserting in paragraph (m) “authorised nurse practitioners,” after “dentists,”;
- (b) by inserting in paragraph (n) “authorised nurse practitioners,” after “dentists,”.