

# FACT SHEET

## ***Poisons Amendment Bill 2013***

On 1 July 2012, the *Poisons Act 1971* (the Act) was amended to replace the previous method of adopting the Commonwealth Standard for the Uniform Scheduling of Medicines and Poisons for the purposes of the Act. These amendments were designed to support, amongst other things, the existing regulation of 'prohibited plants' and 'prohibited substances' under the Act.

The licensing provisions in the Act are designed to operate so that some 'prohibited plants', like opium poppy and Indian hemp, can be licensed for appropriate commercial activity, while prohibited plants that are also 'prohibited substances' can only be licensed for non-commercial activity.

'Prohibited substances' are Schedule 9 substances in the Commonwealth Standard as adopted in Tasmania. Schedule 9 specifies substances including coca leaf and cannabis. Schedule 9 does not specify opium poppy, or Indian hemp in the terms that it is defined in the Act.

Last year's amendments were drafted to support existing arrangements such as the regulation of opium poppy and Indian hemp, while linking definitions to the Commonwealth Standard. However, it is possible the drafting of the definition of 'prohibited substance' could lead to the unintended interpretation that all prohibited plants are prohibited substances, meaning the Act has conflicting provisions.

The Bill clarifies the definition of 'prohibited substance' to address this issue, as part of the Government's ongoing support of the commercial poppy and hemp industries.