

# CLAUSE NOTES

## *Poisons Amendment (Midwives) Bill 2010*

- Clause 1**            **Short Title**
- Clause 2**            **Commencement**  
Provides for the Act to commence on a day to be proclaimed.
- Clause 3**            The Principal Act is the *Poisons Act 1971*.
- Clause 4**            Section 3 of the Principal Act (Interpretation) is amended by adding new definitions of ‘eligible midwife’, ‘midwifery narcotic substance’ and ‘midwifery restricted substance’. ‘Midwife’ is already defined in the Principal Act.
- An ‘eligible midwife’ is a midwife whose registration as a midwife is endorsed by the Nursing and Midwifery Board of Australia under section 94 of the Health Practitioner Regulation National Law (Tasmania) as being qualified to administer, obtain, possess, sell, supply or prescribe restricted substances; and to administer, obtain or possess narcotic substances.
- For the purposes of the Act, the Minister may declare by order that a narcotic or restricted substance is a midwifery narcotic substance and midwifery restricted substance respectively.
- Clause 5**            Consequential amendment to section 26 of the Principal Act to reference the new section 47C.
- Clause 6**            Consequential amendment to section 36 of the Principal Act to include ‘eligible midwife’.
- Clause 7**            The clause amends section 38(1) of the Principal Act so as to enable a pharmaceutical chemist to dispense a midwifery restricted substance on the prescription of an eligible midwife.
- Clause 8**            The clause inserts new sections 47C and 47D.
- S47C Eligible Midwives**
- This is the enabling section which provides that an eligible midwife may administer, obtain, possess, sell, supply or prescribe a midwifery restricted substance in the course of midwifery practice.

If the midwifery restricted substance is a 'declared restricted substance' under the *Poisons (Declared Restricted Substances) Order 1990*, then the midwife must be practising in Tasmania. This means that a patient would not be able to have a prescription which is issued by an eligible midwife in another state or territory dispensed by a pharmacist in Tasmania.

Similarly, in relation to a midwifery narcotic substance, the midwife must be practising in Tasmania. This means that the substance must be obtained from a pharmacist in Tasmania and administered to a patient in Tasmania by the midwife – that is, it cannot be brought into the state or taken out of the state by the midwife.

### **S47D Offences to make available drugs of dependence**

Section 47D is similar to the offence provisions contained in section 59C in relation to drugs of dependence.

Subsections (1) and (2) make it an offence for an eligible midwife to administer a midwifery narcotic substance to a person who is believed to be either drug dependent or exhibiting drug seeking behaviour.

Subsection (3) limits the duration of administration of narcotic substance to a patient to 48 hours.

Subsection (4) makes it an offence for an eligible midwife to administer a midwifery narcotic substance to a person who has a history of illegal use or possession of a notifiable restricted substance, a narcotic substance or a prohibited substance.

Subsection (5) make it an offence for an eligible midwife to make available or administer a notifiable restricted substance or a narcotic substance to a person if midwife knows or ought to know that the person is already receiving narcotic substances in accordance with an authority issued under section 59E.

**Clause 9** Amends the regulation making power contained in section 93 to include reference to an eligible midwife.

**Clause 10** Repeal of Act.