

TASMANIA

POISONS AMENDMENT (INTERSTATE PRESCRIPTIONS) BILL 2025

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 3 amended (Interpretation)
5. Section 36 amended (Offences relating to certain restricted substances)
6. Section 38G amended (Prescribers to check monitored medicines database before issuing prescription for monitored medicine)
7. Section 38H amended (Dispensers to check monitored medicines database before dispensing monitored medicine)
8. Section 45 amended (Restriction of importation)
9. Section 47C amended (Endorsed midwives)
10. Section 48 amended (Possession of narcotic substances, &c.)
11. Section 87A inserted
 - 87A. Application of Act to interstate prescribers
12. Section 93 amended (Regulations)
13. Repeal of Act

POISONS AMENDMENT (INTERSTATE PRESCRIPTIONS) BILL 2025

*(Brought in by the Minister for Health, Mental Health and
Wellbeing, the Honourable Bridget Kathleen Archer)*

A BILL FOR

An Act to amend the *Poisons Act 1971*

Be it enacted by Her 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 (Interstate Prescriptions) Act 2025*.

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.

4. Section 3 amended (Interpretation)

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

*No. 81 of 1971

Poisons Amendment (Interstate Prescriptions) Act 2025
Act No. of 2025

s. 4

- (a) by omitting the definition of *authorised health professional* and substituting the following definition:

authorised health professional means
a person who is –

- (a) an interstate prescriber; or
- (b) a member of a class of health professionals –
 - (i) that is prescribed for the purposes of this definition; or
 - (ii) in respect of whom an order has been made under section 25D(1)(a);
- (b) by omitting “, except in section 36 and Parts V and VA in which case the dentist must be present in Tasmania and acting in the course of dental practice in Tasmania” from the definition of *dentist*;
- (c) by inserting the following definition after the definition of *interstate ambulance officer*:

interstate prescriber means a
registered health practitioner,
within the meaning of the Health
Practitioner Regulation National
Law (Tasmania), who –

Poisons Amendment (Interstate Prescriptions) Act 2025
Act No. of 2025

s. 5

- (a) is, at the material time, present in another State or a Territory; and
- (b) may lawfully issue prescriptions in that State or Territory; and
- (c) is acting in the course of the lawful practice of the practitioner's profession;
- (d) by omitting the definition of *medical practitioner* and substituting the following definition:

medical practitioner means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the medical profession;
- (e) by omitting “, except in section 36 and Parts V and VA in which case the nurse practitioner must be present in Tasmania and acting in the course of nurse practitioner practice in Tasmania” from the definition of *nurse practitioner*.

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

Section 36 of the Principal Act is amended by omitting subsection (2A) and substituting the following subsection:

Poisons Amendment (Interstate Prescriptions) Act 2025
Act No. of 2025

s. 6

(2A) A person may have in the person's possession a substance to which this section applies if the substance was lawfully prescribed and dispensed to the person in another State or a Territory for the use of the person or a member of the person's immediate family.

6. Section 38G amended (Prescribers to check monitored medicines database before issuing prescription for monitored medicine)

Section 38G of the Principal Act is amended as follows:

(a) by inserting the following subsection after subsection (1):

(1A) Subject to subsection (2), before an interstate prescriber issues a prescription for the supply of a monitored medicine to a person who ordinarily resides in Tasmania, the interstate prescriber must take all reasonable steps to check the monitored medicines database for information in relation to the person.

Penalty: Fine not exceeding 10 penalty units.

(b) by inserting in subsection (2) "or an interstate prescriber" after "prescriber";

Poisons Amendment (Interstate Prescriptions) Act 2025
Act No. of 2025

s. 7

- (c) by omitting from subsection (2) “subsection (1)” and substituting “subsection (1) or (1A)”.

7. Section 38H amended (Dispensers to check monitored medicines database before dispensing monitored medicine)

Section 38H of the Principal Act is amended as follows:

- (a) by inserting the following subsection after subsection (1):

(1A) Subject to subsection (2), before a dispenser dispenses a monitored medicine for the use of a person who ordinarily resides in another State or a Territory, on and in accordance with a prescription written or issued by an interstate prescriber, the dispenser must take all reasonable steps to check the relevant interstate database for information in relation to that person.

Penalty: Fine not exceeding 10 penalty units.

- (b) by omitting from subsection (2) “subsection (1)” and substituting “subsection (1) or (1A)”;
- (c) by inserting the following subsection after subsection (2):

Poisons Amendment (Interstate Prescriptions) Act 2025
Act No. of 2025

s. 8

(3) In this section –

relevant interstate database, in relation to a prescription, means the database established under the law of the State or Territory in which the person to whom the prescription relates ordinarily resides, for the purpose of recording information about the supply and prescription of monitored medicines in that State or Territory.

8. Section 45 amended (Restriction of importation)

Section 45 of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:

- (4) A person may bring into the State a raw narcotic or narcotic substance if the raw narcotic or narcotic substance was lawfully prescribed and dispensed to the person in another State or a Territory for the use of the person or a member of the person's immediate family.

9. Section 47C amended (Endorsed midwives)

Section 47C of the Principal Act is amended by omitting subsection (2).

Poisons Amendment (Interstate Prescriptions) Act 2025
Act No. of 2025

s. 10

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

Section 48 of the Principal Act is amended by omitting subsection (2A) and substituting the following subsection:

- (2A) A person may have in the person's possession a raw narcotic or narcotic substance if the raw narcotic or narcotic substance was lawfully prescribed and dispensed to the person in another State or a Territory for the use of the person or a member of the person's immediate family.

11. Section 87A inserted

After section 87 of the Principal Act, the following section is inserted in Division 3:

87A. Application of Act to interstate prescribers

- (1) This Act applies to interstate prescribers in relation to the writing and issuing of prescriptions for narcotic substances and restricted substances in so far as those prescriptions –
- (a) relate to the supply of such substances in Tasmania; or
 - (b) are issued by the interstate prescriber to residents of Tasmania.

Poisons Amendment (Interstate Prescriptions) Act 2025
Act No. of 2025

s. 12

- (2) It is the intention of Parliament that this Act should, so far as possible, operate in relation to –
- (a) the writing and issuing of prescriptions for narcotic substances and restricted substances by persons situated in or outside the territorial limits of this jurisdiction; and
 - (b) the sale and supply of narcotic substances and restricted substances in Tasmania on prescriptions that have been written or issued in or outside the territorial limits of this jurisdiction.

12. Section 93 amended (Regulations)

Section 93(2) of the Principal Act is amended by inserting after paragraph (n) the following paragraphs:

- (naa) authorising, regulating, controlling or restricting the issuing of prescriptions for the supply of narcotic substances or restricted substances by specified interstate prescribers, or specified classes of interstate prescribers;
- (nab) authorising, regulating, controlling or restricting the dispensing of prescriptions for the supply of narcotic substances or restricted substances that have been

Poisons Amendment (Interstate Prescriptions) Act 2025
Act No. of 2025

s. 13

written or issued by specified interstate prescribers, or specified classes of interstate prescribers;

13. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.