

CLAUSE NOTES

Poisons Amendment (Interstate Prescriptions) Bill 2025

- Clause 1** The Short Title states that the Act is to be cited as the *Poisons Amendment (Interstate Prescriptions) Act 2025*
- Clause 2** This clause provides for the Act to commence on a day to be proclaimed.
- Clause 3** This clause provides that references to the “Principal Act” are with respect to the *Poisons Act 1971*.
- Clause 4** This clause amends section 3(1) of the Principal Act.
- Subclause (a) amends the definition of *authorised health professional* to include interstate prescribers and to omit wording requiring an authorised health professional to be in Tasmania for the purposes of section 36 and Parts V and VA of the Act.
- Subclauses (b) and (e) omit wording requiring dentists and nurse practitioners to be in Tasmania for the purposes of section 36 and Parts V and VA of the Act.
- Subclause (c) defines “interstate prescriber”.
- Subclause (d) aligns the definition of medical practitioner with the *Acts Interpretation Act 1931* and omits wording requiring a medical practitioner to be in Tasmania for the purposes of section 36 and Parts V and VA of the Act.
- Clause 5** This clause replaces section 36(2A) of the Principal Act.
- The new section 36(2A) continues to provide that a person may possess a restricted substance to which section 36 applies if it was lawfully prescribed in another state or territory for the use of the person or a member of the person’s immediate family.
- The new section 36(2A) will no longer require that the declared restricted substance be brought into the state by the person either on the person or in their luggage.

Clause 6 This clause amends section 38G of the Principal Act.

It inserts new subsection (1A) to require an interstate prescriber to take all reasonable steps to check the monitored medicines database before issuing a prescription for a monitored medicine to a resident of Tasmania, and includes a penalty of a fine not exceeding 10 penalty units for failure to do so, consistent with the existing penalty in subsection (1).

Reasonable steps are actions that are proportional, appropriate, and consistent with relevant professional codes and standards.

It also broadens the scope of the regulation-making power in subsection (2) to allow for regulations to prescribe circumstances in which an interstate prescriber need not comply with the new subsection (1A).

Clause 7 This clause amends section 38H of the Principal Act.

It inserts new subsection (1A) to require a dispenser, before dispensing a monitored medicine on the basis of an interstate prescription for the use of a person who is not a resident of Tasmania, to take all reasonable steps to check the relevant interstate database, and includes a penalty of a fine not exceeding 10 penalty units for failure to do so, consistent with the existing penalty in subsection (1).

Reasonable steps are actions that are proportional, appropriate, and consistent with relevant professional codes and standards.

Clause 7 also broadens the scope of the regulation-making power in (2) to allow for regulations to prescribe circumstances in which an interstate prescribers need not comply with the new subsection (1A).

Clause 7 inserts new subsection (3) to define relevant interstate database to be the monitored medicines database of the jurisdiction in which the person to whom the prescription relates resides.

Clause 8 This clause replaces section 45(4) of the Principal Act.

The new section 45(4) continues to provide that a person may bring a raw narcotic or narcotic substance into the State if it was lawfully prescribed in another state or territory for the use of the person or a member of the person's immediate family.

The new section 45(4) will no longer require that the narcotic substance be brought into the State by the person either on the person or in their luggage.

Clause 9 This clause amends section 47C of the Principal Act by omitting subsection (2).

It omits wording requiring an endorsed midwife to be practicing in Tasmania.

Clause 10 This clause replaces section 48(2A) of the Principal Act.

The new section 48(2A) continues to provide that a person may possess a raw narcotic or narcotic substance if it was lawfully prescribed in another state or territory for the use of the person or a member of the person's immediate family.

The new section 48(2A) will no longer require that the narcotic substance be brought into the State by the person either on the person or in their luggage.

Clause 11 This clause inserts a new section 87A into the Principal Act.

The new section 87A provides that the Act applies to interstate prescribers writing and issuing prescriptions for narcotic and restricted substances insofar as they relate to supply in Tasmania or are issued to residents of Tasmania, and clarifies that the Parliament's intention is for the Act to operate outside the territorial limits of Tasmania.

Clause 12 This clause amends section 93(2) of the Principal Act.

It inserts new paragraphs (naa) and (nab) to clarify that regulations may be made for or with respect to authorising, regulating, controlling or restricting the issuing or dispensing of prescriptions for narcotic substances or restricted substances by specified interstate prescribers or specified classes of interstate prescribers.

Clause 13 This clause repeals the Bill on the first anniversary of its commencement.