

PUBLIC HEALTH ACT 2016 (WA)

Sections 197 and 198

AUTHORISATION TO SUPPLY A POISON WITHOUT A PRESCRIPTION (No 2)

The World Health Organization declared COVID-19 a pandemic on 11 March 2020.

On 23 March 2020, the Minister for Health declared a public health state of emergency with effect from 1.30 p.m. on 23 March 2020 in respect of COVID-19 pursuant to section 167 of the *Public Health Act 2016 (Act)*. On 22 September 2021, the Minister for Health declared a further public health state of emergency with effect from 4.25 pm on 22 September 2021 in respect of COVID-19 pursuant to section 167 of the Act. The public health state of emergency applies to the State of Western Australia.

AUTHORISATION

For the purposes of emergency management during this public health state of emergency and pursuant to section 197 of the Act, I, Dr Andrew Robertson, Chief Health Officer, authorise a **pharmacist to supply a Schedule 4 poison** without a current **prescription** subject to the directions in paragraph 1.

DIRECTIONS

1. The directions in this paragraph are that the pharmacist must:
 - (a) be satisfied, before supplying the Schedule 4 poison, that:
 - (i) the person for whom the Schedule 4 poison is to be supplied is undergoing treatment essential to the person's well-being;
 - (ii) the Schedule 4 poison has previously been prescribed to the person for the treatment;
 - (iii) the person is in immediate need of the Schedule 4 poison for the continuation of the treatment; and
 - (iv) it is not practicable for the person to obtain a prescription for the Schedule 4 poison from a **prescriber**; and

- (b) supply no more than:
- (i) for a Schedule 4 poison that is on the **Pharmaceutical Benefits Scheme**, the standard Pharmaceutical Benefits maximum quantity; or
 - (ii) for a Schedule 4 poison that is not on the Pharmaceutical Benefits Scheme, the quantity that is contained in the smallest standard pack in which the Schedule 4 poison is generally available; and
- (c) otherwise comply with the requirements for the supply of Schedule 4 poisons as set out in the *Medicines and Poisons Act 2016* and the *Medicines and Poisons Regulations 2016* to the extent that they are consistent with this authorisation.

Section 197 of the Act, under which this authorisation is given, overrides the Medicines and Poisons Act 2014 and the Misuse of Drugs Act 1981 to the extent of any inconsistency.

The powers that an authorisation confers on a person are in addition to, and do not limit, the powers that the person may have under another written law or other law.

DEFINITIONS

Pharmaceutical Benefits Scheme has the meaning given by section 99ZH of the *National Health Act 1953*.

Pharmacist means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the pharmacy profession.

Prescriber has the meaning given in section 7(1) of the *Medicines and Poisons Act 2014* (WA).

Prescription has the meaning given in section 7(1) of the *Medicines and Poisons Act 2014* (WA).

Schedule 4 poison has the meaning given in section 3 of the *Medicines and Poisons Act 2014* (WA).

Supply has the meaning given in section 8(1) of the *Medicines and Poisons Act 2014* (WA).

COMMENCEMENT

This authorisation takes effect immediately upon signing and continues in force until the public health state of emergency is no longer in force, whichever is earlier, unless otherwise varied or revoked by me.



Dr Andrew Robertson

Chief Health Officer

22 September 2021 at 21²⁴ hours