

TASMANIA

**POISONS AMENDMENT (INTERSTATE
PRESCRIPTIONS) REGULATIONS 2025**

STATUTORY RULES 2025, No.

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Consultation draft

POISONS AMENDMENT (INTERSTATE PRESCRIPTIONS) REGULATIONS 2025

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Poisons Act 1971*.

Dated 20 .

Governor

By Her Excellency's Command,

Minister for Mental Health and Wellbeing

1. Short title

These regulations may be cited as the *Poisons Amendment (Interstate Prescriptions) Regulations 2025*.

2. Commencement

These regulations take effect on the day on which section 12 of the *Poisons Amendment (Interstate Prescriptions) Act 2025* commences.

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3. Principal Regulations

In these regulations, the *Poisons Regulations 2018** are referred to as the Principal Regulations.

4. Regulation 3 amended (Interpretation)

Regulation 3(1) of the Principal Regulations is amended by inserting after the definition of *internal use* the following definitions:

interstate prescription means a prescription that has been written or issued by an interstate prescriber;

interstate resident means a person who ordinarily resides in another State or a Territory;

5. Regulation 7 amended (Authorised health professionals)

Regulation 7(1) of the Principal Regulations is amended by omitting “paragraph (a)” and substituting “paragraph (b)(i)”.

6. Regulation 20 amended (Prescribing and supplying narcotic substances)

Regulation 20 of the Principal Regulations is amended by inserting after subregulation (10) the following subregulation:

*S.R. 2018, No. 79

- (10A) An interstate prescriber must not write or issue a prescription for a narcotic substance that the interstate prescriber reasonably believes will be dispensed in Tasmania unless the interstate prescriber does so in accordance with these regulations.

Penalty: Fine not exceeding 10 penalty units.

7. Regulation 27 amended (Dispensing of narcotic substances (S8))

Regulation 27 of the Principal Regulations is amended by inserting after subregulation (6) the following subregulations:

- (6A) A person may only, in Tasmania, dispense an interstate prescription for a narcotic substance, or supply a narcotic substance on an interstate prescription, if that person reasonably believes that the narcotic substance was lawfully prescribed in the State or Territory in which the prescription was written or issued.

Penalty: Fine not exceeding 10 penalty units.

- (6B) Notwithstanding subregulation (1), a person may, in Tasmania, dispense a non-complying interstate prescription for a narcotic substance, or supply a narcotic

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substance on a non-complying interstate prescription, if –

- (a) the interstate prescription is to be dispensed to an interstate resident; and
 - (b) the person reasonably believes that the narcotic substance has been lawfully prescribed in the State or Territory in which the prescription was written or issued.
- (6C) For the purposes of subregulation (6B), a prescription is non-complying if that prescription was not written and issued in accordance with these regulations.

8. Regulation 45 amended (Prescriptions for restricted substances)

Regulation 45 of the Principal Regulations is amended by inserting after subregulation (8) the following subregulation:

- (9) An interstate prescriber must not write or issue a prescription for a declared restricted substance that the interstate prescriber reasonably believes will be dispensed in Tasmania unless the interstate prescriber does so in accordance with these regulations.

Penalty: Fine not exceeding 10 penalty units.

9. Regulation 51 amended (Dispensing prescriptions for restricted substances (S4))

Regulation 51 of the Principal Regulations is amended by inserting after subregulation (6) the following subregulations:

(6A) A person may only, in Tasmania, dispense an interstate prescription for a declared restricted substance, or supply a declared restricted substance on an interstate prescription, if that person reasonably believes that the declared restricted substance was lawfully prescribed in the State or Territory in which the prescription was written or issued.

Penalty: Fine not exceeding 10 penalty units.

(6B) Notwithstanding subregulation (1), a person may, in Tasmania, dispense a non-complying interstate prescription for a declared restricted substance, or supply a declared restricted substance on a non-complying interstate prescription, if –

- (a) the interstate prescription is to be dispensed to an interstate resident; and
- (b) the person reasonably believes that the restricted substance has been lawfully prescribed in the State or Territory in which the

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prescription was written or issued.

- (6C) For the purposes of subregulation (6B), a prescription is non-complying if that prescription was not written or issued in accordance with these regulations.

Consultation draft

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 20 .

These regulations are administered in the Department of Health.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations amend the *Poisons Regulations 2018* by providing that –

- (a) interstate prescribers must comply with certain requirements when writing and issuing prescriptions for narcotic substances and declared restricted substances that are to be dispensed in Tasmania; and
- (b) persons must comply with certain requirements before dispensing and supplying narcotic substances and declared restricted substances prescribed by an interstate prescriber.