



# Victoria Government Gazette

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## Drugs, Poisons and Controlled Substances Act 1981

### PUBLIC HEALTH EMERGENCY ORDER UNDER SECTION 22D

I, Kym Peake, Secretary to the Department of Health and Human Services, pursuant to section 22D of the **Drugs, Poisons and Controlled Substances Act 1981**, make this public health emergency order in the belief that it is necessary to do so in order to prevent a serious risk to public health by enabling persons impacted by bushfire to obtain necessary medicines.

By this Order I authorise all pharmacists registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student) to sell or supply a Schedule 4 poison without a prescription to a person ('the patient') in an emergency if –

- (a) the pharmacist considers that the sale or supply is necessary to ensure continuity of treatment; and
- (b) the pharmacist is satisfied that –
  - (i) there is an immediate need for the poison and it is impracticable for the patient to obtain a prescription in time to meet that need; and
  - (ii) treatment with the poison has previously been provided for by a prescription issued, or a chart instruction written for the patient by a registered medical practitioner, dentist, nurse practitioner, authorised midwife, authorised optometrist or authorised podiatrist; and
  - (iii) the patient, or an agent of the patient, or a person who has the care of the patient, or a person who is assisting in the care of the patient, is aware of the appropriate dose of that poison for that patient; and
- (c) the quantity of the poison supplied does not exceed –
  - (i) for a poison that is on the Pharmaceutical Benefits Scheme, the standard Pharmaceutical Benefits maximum quantity; or
  - (ii) for a poison that is not on the Pharmaceutical Benefits Scheme, the quantity that is contained in the smallest commercially available pack; and
- (d) the pharmacist records that the sale or supply was made under the public health emergency order.

This order comes into force on 9 January 2020 and continues in force until midnight 1 April 2020 unless earlier revoked.

Dated 9 January 2020

KYM PEAKE  
Secretary to the Department of Health and Human Services

**SPECIAL**

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