



Victoria Government Gazette

No. S 311 Friday 24 June 2022
By Authority of Victorian Government Printer

Drugs, Poisons and Controlled Substances Act 1981

PUBLIC HEALTH EMERGENCY ORDER UNDER SECTION 22D

I, Jacinda de Witts, Acting Secretary to the Department of Health, pursuant to section 22G of the **Drugs, Poisons and Controlled Substances Act 1981**, extend and amend the public health emergency order (PHEO #2) published in the Victorian Government Gazette on 21 December 2021 in the belief that it is necessary to do so in order to prevent a serious risk to public health posed to the State of Victoria and to respond to the public health emergency, which is the continued demand on the Victorian health work force arising from severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), being the virus that causes the coronavirus disease (COVID-19). Direct access to a **prescriber** to obtain a prescription may be more difficult given that self-isolation for persons impacted by COVID-19 is one mechanism for the prevention, management and treatment of human infection by COVID-19. The purpose of this Order is to enable persons in Victoria to obtain a Schedule 4 poison directly from a **pharmacist**, in certain circumstances, for the duration of this Order.

By this Order, I authorise all pharmacists 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 prescriber; 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 this Order.

Definitions

Health Practitioner Regulation National Law (Victoria) means the **Health Practitioner Regulation National Law (Victoria) Act 2009**.

pharmacist means a pharmacist registered under the **Health Practitioner Regulation National Law (Victoria)** to practise in the pharmacy profession (other than as a student).

prescriber means a medical practitioner, nurse practitioner, dentist, authorised midwife, authorised optometrist or authorised podiatrist registered under the **Health Practitioner Regulation National Law (Victoria)** to practise in their profession (other than as a student).

This Order comes into force on the date of publication in the Government Gazette and continues in force for a period of six months, unless earlier revoked.

Dated: 22 June 2022

JACINDA DE WITTS
Acting Secretary to the Department of Health

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