



# Victoria Government Gazette

No. S 6 Wednesday 10 January 2024  
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## Drugs, Poisons and Controlled Substances Act 1981

### PUBLIC HEALTH EMERGENCY ORDER UNDER SECTION 22D

I, Professor Euan Wallace, Secretary to the Department of Health, pursuant to section 22D of the **Drugs, Poisons and Controlled Substances Act 1981**, make this public health emergency order (PHEO#25) 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 floods to obtain necessary medicines. 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) the patient's usual prescriber is unable to be contacted and/or is unable to provide an electronic prescription; and
  - (iii) treatment with the poison has previously been provided for by a prescription issued, or a chart instruction written, for the patient by a prescriber in the last three months and the patient's relevant condition is stable; and
  - (iv) the poison has not been supplied under this Order to the patient by any pharmacist within the three months before the requested supply; and
  - (v) 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
  - (vi) supplying the poison would not represent an unacceptable risk to the health and safety of the 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

**pharmacist** means a person registered under the **Health Practitioner Regulation National Law** 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 until 10 February 2024, unless earlier revoked.

Dated 9 January 2024

PROFESSOR EUAN WALLACE  
Secretary to the Department of Health

**SPECIAL**

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