

SECTION 26A EMERGENCY MANAGEMENT ACT 2004

MODIFICATION OF CONTROLLED SUBSTANCES (POISONS) REGULATIONS 2011

I, Hon Steven Spence Marshall MP, Premier of South Australia, pursuant to Section 26A of the *Emergency Management Act 2004* hereby modify the operation of regulation 21 of the *Controlled Substances (Poisons) Regulations 2011* (which is made under section 18 of the *Controlled Substances Act 1984*) for the duration of the declaration of a Major Emergency declared by Grantley Stevens, the State Coordinator pursuant to section 23(1) of the *Emergency Management Act 2004* on 22 March 2020 in respect of the outbreak of the Human Disease named COVID-19 within South Australia, which declaration was extended by the Governor on 2 April 2020 (and any future extension of this declaration) as follows:

Regulation 21 of the *Controlled Substances (Poisons) Regulations 2011* applies with the following modification:

After regulation 21(2)(g) insert:

- (h) the drug is sold or supplied to a person who has given the pharmacist a prescription for a drug which is subject to a TGA Serious Shortage Medicines Substitution Notice and –
 - i. the pharmacist:
 - A. is unable to obtain the drug prescribed by the prescriber in the prescription; and
 - B. is dispensing a drug to the person which is specified in the TGA Serious Shortage Medicines Substitution Notice as a drug which may be substituted for the drug prescribed by the prescriber; and
 - C. complies with the requirements and conditions specified in the TGA Serious Shortage Medicine Substitution Notice; and
 - D. complies with the requirements imposed upon a pharmacist under regulation 35 of the *Controlled Substances (Poisons) Regulations 2011*; and
 - E. notifies the prescriber that the person was dispensed a substitute drug as soon as practicable in writing or earlier if specified in the TGA Serious Shortage Medicines Substitution Notice; and
 - F. is satisfied that dispensing the substitute drug to the person is appropriate; and
 - G. is acting in the ordinary course of the pharmacist's profession; and
 - ii. the person consents to the sale or supply of the substitute drug.

For the purposes of this Notice:

- **TGA Serious Shortage Medicines Substitution Notice** means a Serious Shortage Medicine Substitution Notice published by the TGA as in force from time to time

The modification of regulation 21 of the *Controlled Substances (Poisons) Regulations 2011* commences on the day that this Notice is signed and continues in force for the duration of the declared Major Emergency in respect of the outbreak of the Human Disease named COVID-19 within South Australia unless earlier revoked.



STEVEN MARSHALL
PREMIER OF SOUTH AUSTRALIA

Date: 22.5.20