

**SUBSIDIARY LEGISLATION**

**Regulations under section 15 (1)**

**DANGEROUS DRUGS REGULATIONS**

L.N. 19/80

*Commencement: 21 February 1980*

**Citation**

1. These Regulations may be cited as the Dangerous Drugs Regulations.

**Interpretation**

2. In these Regulations, unless the context otherwise requires-

"approved veterinary surgeon" means a veterinary surgeon approved as such by the Minister;

"drug" means any drug to which Part IV of the Ordinance applies or a preparation within the meaning of these Regulations;

"Ordinance" means the Dangerous Drugs Ordinance and references in these Regulations to that Ordinance shall be construed as references to that Ordinance as amended by any subsequent Ordinance;

"pharmacist" means a pharmacist registered under the Pharmacy and Poisons Ordinance;

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"preparation" means any preparation, admixture, extract or other substance containing such a proportion of a drug as is sufficient to make the preparation, admixture, extract or substance a drug to which Part IV of the Ordinance applies;

"registered dentist" means a dental practitioner registered under the Medical and Dental Practitioners Ordinance;

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"registered medical practitioner" means a medical practitioner registered under the Medical and Dental Practitioners Ordinance.

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**Unauthorised manufacture of drug**

3. A person shall not manufacture or carry on any process in the manufacture of a drug-
  - (a) unless he is duly authorised so to do;

(b) except on authorised premises;

(c) otherwise than in accordance with the terms and conditions of his authority.

#### **Certain persons only permitted to purchase drugs and preparations wholesale**

4. No person shall buy a drug or preparation wholesale except-

(a) a registered medical practitioner;

(b) a registered dentist;

(c) an approved veterinary surgeon;

(d) a registered pharmacist,

and the Government Pharmacist shall not sell any drug or preparation wholesale except to a person mentioned in these Regulations.

#### **Unauthorised sale, etc., of drug**

5. (1) Subject as hereinafter provided a person shall not supply or procure or offer to supply or procure or prescribe to or for any person (including himself) and whether in Kiribati or elsewhere or advertise for sale a drug or preparation-

(a) unless he is authorised to do so; or

(b) otherwise than in accordance with the terms and conditions of his authority.

(2) A person shall not supply or procure or offer to supply or procure or prescribe a drug or preparation to or for any person (including himself) in Kiribati except as follows-

(a) to a person authorised to be in possession of the drug or preparation under these Regulations; or

(b) when the drug or preparation is administered by or under the direct personal suspension, and in the presence of a registered medical practitioner or by or under the direct personal supervision, and in the presence of a registered dentist in the course of dental treatment.

#### **Unauthorised possession of drug**

6. (1) A person shall not be in possession of a drug or preparation unless he is duly so authorised.

(2) For the purposes of these Regulations-

(a) a person to whom a drug or preparation is lawfully supplied on a prescription lawfully given by a registered medical practitioner, a registered dentist or an approved

veterinary surgeon or to whom a drug or preparation is lawfully supplied by a registered medical practitioner, or an approved veterinary surgeon who dispenses his own medicines shall be deemed to be a person authorised to be in possession of the drug or preparation so supplied:

Provided that if a drug or preparation is supplied by or on a prescription given by a registered medical practitioner to a person who was at that time in the course of receiving treatment, whether in respect of addiction or otherwise, from and being supplied with a drug or preparation by or on a prescription given by another medical practitioner, that person shall not for the purposes of these Regulations be deemed to be a person authorised to be in possession of the drug or preparation supplied by or on a prescription given by the first mentioned medical practitioner if he did not before the supply thereof to him disclose to the first mentioned medical practitioner the fact that he was being so treated and supplied by or on a prescription given by that other medical practitioner;

(b) a person shall be deemed to be in possession of a drug or preparation if it is in his actual custody or is held by any other person subject to his control, or for him or on his behalf.

### **Delivery of drug to agent**

7. (1) Where a drug or preparation is to be lawfully supplied to any person (hereinafter referred to as "the recipient") otherwise than by or on a prescription given by a registered medical practitioner, the person supplying the drug or preparation (hereinafter referred to as "the supplier") shall not deliver it to a person who purports to be sent by or on behalf of the recipient, unless that person either-

(a) is a person authorised under these Regulations to be in possession of that drug or preparation; or

(b) produces to the supplier a statement in writing signed by the recipient to the effect that he is authorised by the recipient to receive the drug or preparation in question on behalf of the recipient and the supplier is satisfied that the document is a genuine document.

(2) A person to whom a drug or preparation is lawfully delivered in the circumstances mentioned in sub-paragraph (b) of the last preceding paragraph shall be deemed to be a person authorised to be in possession thereof, but for such period only as in the circumstances of the case is reasonably sufficient to enable the delivery to the recipient to be effected.

### **Persons authorised to be in possession of drugs, etc.**

8. (1) Persons who are members of the following classes, that is to say-

(a) registered medical practitioners;

(b) registered dentists;

(c) approved veterinary surgeons;

(d) medical officers; and

(e) owners and commanders of aircraft,

are hereby authorised so far as may be necessary for the practice or exercise of their respective professions or employments, or to enable compliance by them with the provisions of any law for the time being in force in relation to them, in their capacity as members of their respective classes to be in possession of, and to supply, drugs or preparations:

Provided that a dentist shall not be authorised to supply a drug or preparation otherwise than by the personal administration thereof by him to persons receiving treatment by him.

(2) The master of any overseas registered vessel which is in a port in Kiribati is hereby authorised to procure and to be in possession of such quantity of drugs and preparations as may be certified by the Chief Medical Officer to be necessary for the equipment of such vessel until it reaches its home port.

### **Registered pharmacists**

9. (1) Registered pharmacists actually in business are hereby authorised-

(a) to manufacture at the shop in the ordinary course of their retail business-

(i) any extract or tincture of Indian hemp;

(ii) any preparation; and

(b) subject to the provisions of these Regulations to carry on the business of retailing, dispensing or compounding drugs or preparations.

(2) Every drug or preparation in the actual custody of a person authorised by virtue of this Regulation shall be kept in a locked receptacle which can be opened only by him or by an assistant of his who is a registered pharmacist.

### **Withdrawal of authority**

10. (1) If any person being an authorised person within the meaning of these Regulations is convicted of an offence against the enactments relating to the Customs as applied by the Ordinance the Minister may, if he is of the opinion that the person ought not to be allowed to remain an authorised person, by notice in the Gazette withdraw the authority of that person.

(2) Where the person whose authority is withdrawn under the last preceding paragraph is a registered medical practitioner, a registered dentist or an approved veterinary surgeon, the Minister may, by notice given in like manner direct that it shall not be lawful for that person to give prescriptions for the purposes of these Regulations.

### **Prescription**

11. (1) For the purposes of these Regulations a prescription means a prescription in the

prescribed form directing the supply of a drug or preparation and given either by a registered medical practitioner for the purposes of medical treatment, by a registered dentist for the purposes of dental treatment or by an approved veterinary surgeon for the purposes of animal treatment.

(2) The prescribed form for prescriptions for a drug or preparation shall be in the form set out in section 37 of the Pharmacy and Poisons Ordinance.

### **Supply of drug on prescription**

12. (1) A person shall not supply a drug or preparation on a prescription-

(a) unless the prescription complies with the provisions of these Regulations relating to prescriptions; and

(b) unless he either-

(i) is acquainted with the signature of the person by whom it purports to have been given and has no reason to suppose that it is not genuine; or

(ii) has taken reasonable precautions to satisfy himself that it is genuine.

(2) The person dispensing a prescription shall at the time of dispensing it mark thereon the date on which it is dispensed and shall retain it and keep it on the premises where it is dispensed so that it may be available for inspection.

### **Drug to be labelled**

13. (1) Subject to the provisions of this regulation no person shall-

(a) supply a drug unless the package or bottle in which it is contained is plainly marked with the amount of the drug contained therein; or

(b) supply a preparation unless the package or bottle in which it is contained is plainly marked-

(i) in the case of a powder, solution or ointment with the total amount thereof in the package or bottle and the percentage of the drug contained in the powder, solution or ointment; or

(ii) in the case of tablets or other similar articles with the amount of the drug in each article and the number of articles in the package or bottle.

(2) This rule shall not apply in a case where a preparation is lawfully supplied in accordance with these Regulations by or on a prescription lawfully given by a registered medical practitioner.

### **Register of drugs supplied**

14. (1) Every person authorised to supply drugs or preparations shall comply with the

following provisions-

(a) he shall in accordance with this regulation keep a register and enter therein true particulars with respect to every quantity of any drug or preparation obtained by him and with respect to every quantity of any drug or preparation supplied by him whether to persons within or persons outside Kiribati;

(b) each drug or preparation shall be entered on a separate page of the register;

(c) the register required to be kept by this regulation shall be in addition to any books, records or documents required to be kept under the Ordinance or any other regulations made thereunder;

(d) the required entry must be made on the day on which the drug or preparation is received or on which the transaction in respect to the supply thereof takes place or if that is not reasonably practicable on the day next following the said day;

(e) a separate register shall be kept in respect of each set of premises at which the authorised person carries on business;

(f) no cancellation, obliteration or alteration shall be made of an entry in the register and any correction of any entry must be made by way of a marginal note or a footnote which must specify the date on which the correction is made;

(g) the authorised person shall on demand by the Chief Medical Officer, or by any person empowered in that behalf by order in writing by the Chief Medical Officer, furnish to the Chief Medical Officer, or to that person as the case may be, such particulars as the Chief Medical Officer or that person may require with respect to the obtaining or supplying by the authorised person of any drug or preparation, or with respect to any stocks of drugs or preparations, in the possession of the authorised person;

(h) the register shall be kept on the premises to which it relates.

(2) Every entry required to be made under this regulation and every correction of such an entry must be made in ink.

#### **Preservation of books, records, etc.**

15. All records, registers, books, prescriptions and other documents which are kept, issued or made in pursuance of the requirements or for the purposes of these Regulations shall be preserved in the case of a register, book or other like record for a period of 2 years from the date on which the last entry is made therein and in the case of any other document for a period of 2 years from the date on which it is issued or made.

#### **Unauthorised sale, etc., of drugs prohibited**

16. No person shall give, sell, barter or distribute any drug or preparation save as is permitted by these Regulations.

**Government Medical Services exempt**

17. These Regulations shall not apply to the Government Medical Services.

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