The legislation and handling poisons

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Who can sell or supply restricted substances in a veterinary clinic?
Restricted substances for animal use can be supplied or sold only by the veterinary surgeon or by an assistant—eg a qualified veterinary nurse—working under the veterinarian's personal supervision.

It is illegal for an unregistered assistant—eg an unqualified veterinary nurse, work experience student or a vet student—to supply such an item in the absence of the veterinary surgeon, with or without his consent.

It is important that animal care workers are familiar with various aspects of restricted substances including the Poisons list, labelling and repackaging requirements.

The Poisons list (Division 2)

Any preparation that has been classified as a restricted substance or drug of addiction for animal use can only be used as authorised by a veterinarian—this is regardless of whether they are registered as stock medicines. The label of the drug should indicate its classification according to the poisons schedule.

It is important that animal care workers are familiar with the Poisons list. The Poisons list can be found within the Poisons and Therapeutic Goods Act 1966 at the NSW Legislation Government portal.

The Poisons and Therapeutic Goods Act 1966 controls the scheduling of drugs which is indicated by the codes S4, S8, etc.

The schedules can be found in the Poisons list is within the Poisons and Therapeutic Goods Act. There are eight schedules. Each schedule defines a level of toxicity, explains the way a substance in a particular schedule can be used and who the substance can be supplied by.

If a drug has been classified as Appendix D, it is a restricted substance and must be prescribed—examples of these drugs include anabolic steroids and benzodiazepines such as diazepam, eg Pamlin.

Important: Unauthorised possession of an Appendix D drug is offence.
Prescriptions

In a veterinary clinic only the veterinary surgeon may write a prescription for a restricted substance or a drug of addiction for veterinary treatment only and must endorse all such prescriptions with the words ‘For animal treatment only’.

Most prescriptions are valid for 12 months from the date written. Prescriptions for restricted substances as specified in the Poisons and Therapeutic Goods Regulation (Schedule 4 Appendix D—S4D) and drugs of addiction (S8) are valid for six months only.

The prescription must show the name, address and telephone number of the veterinary surgeon—this may be pre-printed—and must include in ink in the veterinary surgeon’s legible handwriting the following particulars:

- the date it was written
- the name and address of the animal’s owner and the species of animal
- the name, strength and quantity of the restricted substance or drug of addiction to be dispensed; in the case of a drug of addiction, the quantity must be written in both words and figures
- adequate directions for use
- the number of repeats if the script is to be dispensed more than once
- in the case of a prescription for drug of addiction or an anabolic steroid which is directed to be dispensed more than once, the time interval between repeat dispensing
- the signature of the veterinary surgeon.

If, in an emergency, a veterinary surgeon verbally authorises a pharmacist to supply a restricted substance or drug of addiction, he must, within 24 hours, forward a prescription to the pharmacist in confirmation of his earlier instruction. Prescriptions must be written as set out above.

**Important:** Under no circumstances are slips of paper showing only the product name acceptable as prescriptions.

Recording drug details

Each time a veterinary surgeon writes a prescription for or supplies an Appendix D drug, they must record—eg on a treatment card—the following details:

- the date
- the name and address of the animal’s owner and the species of animal
• the drug name, strength and quantity
• the number of repeats, if any, and in the case of anabolic steroids, the repeat intervals
• the directions for use.

This record must be retained at the surgery for two years and made available for inspection if required. This means the veterinarian and/or veterinary nurse needs to make sure all drugs given out to owners are recorded correctly in the clinic records.

Re-packaging and labelling

In most cases, a scheduled substance would be expected to be supplied in its original container. However, there are times when a drug needs to be put into a smaller or another container—eg when you put antibiotic tablets into a bag or bottle for an owner to take home for their pet. Where the veterinary surgeon wishes to supply a smaller quantity, it needs to be repacked and labelled correctly.

Sufficient re-packaging

The packaging or container used must be sufficiently strong to prevent leakage arising from the ordinary risks of handling, storage or transport. It also needs to be securely closed and be capable of being re-closed, except with a preparation packed for use on one occasion only.

Containers such as paper envelopes must not be used and will not fulfil the regulation requirements.

A poison or restricted substance intended for external animal use should be supplied in a container which has the outer surface embossed with the words, ‘POISON’ or the words ‘NOT TO BE TAKEN’. In the case of bottles, there must be prominent vertical ribs or another feature that will help to make it distinguishable by touch from other containers, such as those usually used for foods, internal medicines, etc.

Using food and drink containers as packaging is illegal

Veterinary surgeons must keep in mind that once a product leaves the veterinary surgery, even though it may be intended for animal use, there is always the possibility of accidental human ingestion.

Using any food or drink container for any of the scheduled poisons is illegal as there have been many cases of people inadvertently drinking from a bottle thinking it was water only to be fatally poisoned; hence, the need for appropriate packaging and labelling.
Using dark containers

Any product that comes in a dark or opaque bottle is usually one that is affected by light and these must be decanted into another dark or opaque, correctly labelled bottle. Products such as maldison (malawash) actually become more toxic on exposure to light and the use of clear glass bottles for these is illegal.

Correct labelling

All scheduled poisons must be labelled with the following details:

- the words ‘KEEP OUT OF REACH OF CHILDREN’ in red on a white background
- the name of the animal’s owner and the species of animal
- adequate directions for use—these should be explicit as people tend to forget verbal directions
- the name and address of the veterinary surgeon
- in respect of a medicine for external use the word ‘POISON’ in red
- the name of the medicine, unless it is a preparation compounded in accordance with the veterinary surgeon’s own formula.

Pesticides

Pesticides are registered under the Pesticides Act 1978 and must also be packaged and labelled in accordance with the provisions of the Poisons and Therapeutic goods Regulation 1994. Pesticides can be classified in Schedule 5, 6 or 7 of the Poisons list and have different requirements.

The following apply if a pesticide is classified as Schedule 5 or 6:

- It must be supplied in a container bearing a label which complies with the full labelling requirements.
- Veterinary surgeons may only recommend the use of a pesticide in accordance with the directions on the label and may not legally repackage or relabel a registered product.
- If a veterinary surgeon has an acceptable use outside the label directions, a permit for this additional use may be able to be obtained from the Registrar of Pesticides.

For pesticides classified as Schedule 7, the following apply:

- Pesticides in this schedule are too toxic for domestic use. The regulations therefore make sure that they can only be available for agricultural or commercial use.
• They must be stored in a room or enclosure to which the public does not have access.

• They cannot be sold in anything other than the original packaging as the repackaging itself is very hazardous to the packer.

Substances specified in Schedules 1, 3, 4 and 7 of the Poisons list must be stored in a part of the premises to which the public does not have access—eg in the surgery, not in the waiting room or consultation rooms.

Storage requirements

Schedule 6 poisons, excluding those packed and labelled for internal use in animals, are required to be stored either:

• In a place to which the public does not have access, eg a storeroom, or

• At least 1.2 m above the floor and at least 1.2 m away from any step, stairway, etc to which the public has access, except those which are packed in containers of 5 litres or 5 kilograms or more, or to those preparations, which are packed in containers with child-resistant closures.

Important: It is an offence to dispose of any poison or restricted substance in any place or manner likely to be a risk to the public.

Drugs of addiction (Schedule 8)

There are a number of requirements that must be met in relation to drugs listed in Schedule 8—Drugs of addiction:

• Obtaining a drug of addiction:
  - A veterinary surgeon must first issue a signed order before he can be supplied with a drug of addiction.
  - The signed order is cancelled and retained by the supplier.
  - If a drug of addiction is ordered by telephone, the signed order must be despatched to the supplier within 24 hours.

• Storage:
  - Drugs of addiction must be stored apart from all other goods in a separate room, safe, cupboard, or drawer which is securely fixed to the premises and kept locked when not in immediate use.
  - The above requirements do not apply to emergency supplies kept in a bag in a room or vehicle, which is locked when not occupied by the veterinary surgeon.
- If a drug of addiction is rendered unusable or exceeds the expiry date, it may be destroyed only under the supervision of a member of the police force or an authorised officer of the Health Department.

- If any drug of addiction is lost or stolen, a veterinary surgeon must immediately notify the Duty Pharmacist and a police officer and enter the relevant details in the drug register.

**Records:**

- A veterinary surgeon who uses or obtains any drug of addiction must keep a separate register in which are to be entered in ink the details of each receipt, supply or administration.

- No alteration may be made in the register, but any mistake may be corrected by a marginal note or footnote, initialled and dated.

- The register must be kept on the premises on which the drugs of addiction are stored and must be retained for a period of two years from the date of the last entry and made available for inspection if required.

- Entries are to be made on the day of supply, use or receipt, a separate page being used for each kind of drug and each strength of drug.

**Details required to be entered in the drug register are:**

- the date of the entry
- the name and address of the supplier (in the case of receipt)
- the name and address of the animal’s owner and the species of animal (in the case of administration or supply)
- the quantity received or used and the balance held after the transaction
- the name of the veterinary surgeon authorising the supply or use
- the signature of the actual supplier or user.

**Stock control**

Twice a year, during March and September, the veterinary surgeon must carry out a full stock check of all drugs of addiction in his/her possession.

Immediately, under the last entry for each drug, he/she should write the date on which the check was made, the words ‘Balance on hand’, the quantity actually held and should sign the entry.
Any person who assumes control of a practice for one month or more should immediately perform a similar check irrespective of the time of year.

Other relevant legislation

In addition the *Poisons and Therapeutic Goods Act 1966*, animal care workers also need to be familiar with the:

- *Stock Medicines Act 1989*
- *Stock (Chemical Residues) Act 1975*
- *Pesticides Act 1999*

**Stock Medicines Act 1989**

This Act controls all drugs sold for use in treating animals, whether they come under the *Poisons Act* or not. It covers things like worm tablets.

Veterinary nurses and animal care workers need to be aware of this Act because many of the items that they sell are covered under this Act; they need to know of the necessity for stock medicines to be licensed. It is essential that you read the labels and comply with the requirements.

Further information can be found from drug related literature and drug companies.

**Stock (Chemical Residues) Act 1975**

This Act is concerned with restricting the use of chemicals that may result in levels of chemical in meat for human consumption.

It is essential that you ensure your clients are aware of any withholding periods and the implications if they are ignored.

Further information can be found from:

- drug related literature
- drug or pharmaceutical reference publications—eg IVS or MIMS
- drug labels
- drug companies
- the Australian Veterinary Association.
**Pesticides Act 1999**

This Act is concerned with all chemicals sold for external use on animals, eg flea rinses.

Animal care workers need to be aware of this Act because they will be using many of these products and also selling them. There can be serious health implications if the products are not used correctly. Read the labels and ensure that you observe all necessary precautions. Also, ensure the clients understand and read the labels.

Further information can be found from:
- product labels
- drug companies
- drug literature.

**Meat Industry Act 1978**

This Act is concerned with the quality of the meat that ends up on the dinner table and so affects the treatment of livestock.

Veterinary nurses need to be aware of this Act because they:
- will be supplying drugs to clients for use in food-producing animals and need to be aware of the implications of carcass damage
- may be involved in handling and transporting food-producing animals.

It is essential that care is taken with food-producing animals and that clients are informed.

Sources of information include:
- The Department of Agriculture
- meat buyers and meat companies
- stock and station agents.

**NSW government portal**

To find out more information about these and other Acts, you can visit the NSW Legislation Government portal at: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au). The Acts can be found in alphabetical order in the Legislation section of the website.